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House of Representatives

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind us always, O gracious God, that Your blessings and redemptive power are showered on all the people from every background and every nation. While we attempt to serve with enthusiasm and zeal in our place and time, may we never act with undue pride about our responsibility, but rather go about our work with humility and diligence. Encourage us to focus on the goals of justice with an attitude of mercy for in so doing we will truly be Your people. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize Members for twenty 1-minute speeches on each side.

SAFETY AND HEALTH IMPROVEMENT AND REGULATORY REFORM ACT OF 1995

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, today, along with 55 of my colleagues, I am introducing the Safety and Health Improvement and Regulatory Reform Act of 1995. The legislation will comprehensively change the Federal Occupational Safety and Health Act [OSHA]. Few Federal programs are in need of change as much as this one.

I believe that OSHA has become fundamentally misdirected, and instead of promoting and encouraging workplace safety and health, OSHA has become known for issuing silly regulations and is preoccupied with collecting fines from unsuspecting employers. It is time to add some common sense to OSHA's regulations and focus on promoting safety in the workplace.

Legislation that I am introducing today targets 50 percent of OSHA's funding toward consultation, training, education, and compliance assistance programs. Other important changes include adopting the regulatory reform measures already approved by the House, and giving employers the opportunity to fix alleged safety and health violations prior to the issuance of a citation. Finally, to save taxpayer dollars, this bill proposes the merger of the Occupational Safety and Health Administration with the Mine Safety and Health Administration—without compromising workplace safety.

I welcome your cosponsorship of this much needed legislation.

NEW YORK BAR ASSOCIATION OPPOSES CHANGING BURDEN OF PROOF IN TAX CASE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the New York State Bar Association has come out against H.R. 390. They are against changing the burden of proof in a tax case. The New York State Bar Association says taxpayers should remain guilty and prove themselves innocent.

That is really no surprise. Bar associations oppose it. IRS commissioners oppose it. IRS agents oppose it. Many lawyers oppose it. The only real support my bill has is 95 percent of the American people, the most widely supported bill in the country.

Mr. Speaker, I think it is time that we tell the bar associations and the IRS to shove their opinions up their cash cows. It is time to change the burden of proof in a tax case. They can in fact document those admissions they make on our tax form in the administrative process, but when it gets into court, the foundation of our Constitution is you are innocent until proven guilty and, damn it, a taxpayer should be treated like everybody else.

THE PRESIDENT JOINS THE BUDGET DEBATE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, let me just say that the President's speech last night was fabulous. Bill Clinton was his usual polished self. He was convincing, sincere, and articulate. I would argue that Bill Clinton has a rare gift for making speeches.

But let us not forget one crucial thing. With Bill Clinton, there is always a huge difference between reality and his speeches.

Let me illustrate. During his campaign for the Presidency, Bill Clinton argued passionately for deficit reduction and the need to balance the budget. In fact, in June 1992, Bill Clinton told Larry King that he would present a plan to balance the budget in 5 years. This never happened.

For the last 3 years, the President has introduced budgets that called for more deficit spending, not less.

His last budget, the one he just rejected last night, calls for $200 billion deficits well into the next century.

Mr. Speaker, we are glad he wants to get into the debate, but I urge everyone to keep in mind the difference between Mr. Clinton's speeches and his actions.

PRESIDENT COMMENDED FOR TOUGH STAND AGAINST JAPANESE AUTOMAKERS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I rise to congratulate President Bill Clinton for the very tough and long awaited stand he has taken against Japanese automakers. I applaud his decision to place a 100-percent tariff on Japanese luxury automobiles until they allow American cars and parts to be imported without unfair barriers. For years and years I have watched President after President threaten and warn Japan about their unfair trade practices, but finally President Clinton has ended the threats and has taken the decisive action that has been needed for many years. Cars and car parts account for most of the huge United States trade deficit we have with Japan, yet despite negotiations in good faith Japan has refused to remove the barriers that prevent United States automakers to compete. President Clinton has a record that clearly shows he is open to free trade, but now at the same time he shows he is willing to take forceful action against foreign unfairness. I applaud the President for this decisive action, and ask my colleagues to support him in this bold and appropriate action.

THE CHANGING PRESIDENTIAL WINDS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, we all should welcome the President to the budget debate—and hope that this time, the shift in Presidential winds will be a lasting one. In announcing that ''It's time to clean up this mess,'' the President made big news. It is not hard to see why such a proclamation, coming from the President of the United States, makes headline news.

Four months ago, when the President submitted his official budget to Congress with no plan for bringing about fiscal balance, he clearly did not think the time had arrived to clean up the mess. Even more interesting is that, after signing into law the largest tax increase in history in 1993, the President declared that he had taken the necessary steps to clean up the mess.

The President's changing view on this subject has been somewhat of a whirlwind. But today, even though the President's plan is 3 years later and a half trillion dollars shorter than the Republican plan to balance the budget, we welcome him to the debate.

MEDICARE

(Mr. BARCIA asked and was given permission to address the House for 1 minute.)

Mr. BARCIA. Mr. Speaker, I am deeply concerned about the proposed changes to the Medicare Program. Taking away funding from Medicare, which benefits 35 million aged and disabled Americans, is an unacceptable act of Congress.

I have heard from hundreds of senior citizens from my district urging me to maintain and preserve their Medicare benefits. Our elderly Americans have worked too hard for their future. To dismantle the program they depend on for their health care needs would be devastating.

Medicare provides an invaluable and irreplaceable security for seniors. With the population of older Americans growing every year, Medicare must be strengthened and decisions must be made to support the program not break it down. The future of Medicare is critical not only for seniors but for all Americans who will someday need it.

Although Congress must strive toward a balanced budget and address the solvency of Medicare, let us turn to other programs for cuts, not our seniors.

Older Americans deserve our support. Balancing the budget is no easy task and it will require tough decisions that I am willing to make. But making our senior citizens struggle to pay for health insurance is not a choice I am willing to make.

DETAILS OF PRESIDENT'S BUDGET YET TO COME

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, remember the first budget that the President sent to Congress this year. It came up for a vote on the Senate floor and was defeated 99 to 0—yes, 99 to 0. Not one Democrat supported his budget.

Now, the President tells us that he has seen the light. He has realized that the American people really do want to balance the budget. So, at the end of the process, he has finally jumped on board—we hope.

Where are the details? Where is the fine print?

It is easy to stand up and talk the talk, but it takes real leadership to walk the walk. Republicans have shown that leadership through our balanced budget plan.

Mr. Speaker, we hope the President will soon show us the details of his plan.

CAMPAIGN FINANCE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, last weekend in New Hampshire, a shake of hands promised to shake up a system in dire need of shaking up.

With a handshake, the President and the Speaker implicitly endorsed a bill that Representatives JOHNSON, MEEHAN, and I introduced earlier this year to reform campaign finance laws.

For 20 years, Congress has failed miserably in its efforts to reform Federal elections, to level the playing field between challengers and incumbents.

Americans want elections instead of auctions.

Our bill is modeled closely after the law which created the military base closing commission.

The commission would be mandated to examine all key principles of campaign finance reform.

The commission would present Congress with a bill for a straight up-or-down vote.

Mr. Speaker, it is time to turn the promise of a handshake into the reality of law.

AFFIRMATIVE ACTION

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, I have been opposed to racial and gender based set-asides and preferential treatment throughout my career, but I believe that we must maintain and/or strengthen three aspects of our equal opportunity laws:

First, we must ensure that opportunities are made known and are accessible to all Americans, followed by fair competition.

Second, we must continue to have a mechanism to determine whether an entity has violated antidiscrimination laws.

Third, we must strengthen the enforcement aspect of our equal opportunity laws. Enforcement should be swift and severe.

However, Mr. Speaker, if set-asides and preferential treatment are not removed from the authorization and appropriation bills, I will attempt to offer amendments on the House floor to eliminate them all. I do so not to fuel the debate on affirmative action but to help ensure closure on this potentially divisive and emotional issue.

FLAG DAY

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, today on this June 14, this Flag Day, we not only celebrate our history but mark a point in our lives where we as a people must continue to preserve our great gift of freedom.

The symbol of this freedom is our own American flag. Symbolized is the land, the people, government, and ideals of the United States of America. Since its creation on June 14, 1777, it has been the hallmark of this great democracy in which we live. In our flag we see the struggles of our forefathers in times of war, political upheaval, and natural disaster.

As we move here in the House to consider a constitutional amendment to protect that flag, I urge all my colleagues to think of the ideals, to think of our need to preserve freedom and the symbolism of this great American flag. I urge its adoption.

OPPOSING RESUMPTION OF FRENCH NUCLEAR TESTS IN THE PACIFIC

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, I join my colleague from American Samoa in expressing my outrage over France's decision to resume testing.

Mr. Speaker, yesterday, I, along with 20 colleagues, sent a letter to the President asking him to seek assurances from French President Chirac in their meeting today that France would not go forward in its intended resumption of nuclear tests in the Pacific.

All Pacific communities, including Guam, have a strong interest in stopping the insanity of nuclear testing in our region. Over the years, more than 100 nuclear devices have been tested in our region—that is 100 too many.

Yesterday, President Chirac announced that France would conduct eight tests and then sign the Comprehensive Test Ban Treaty. By its latest announcement to resume tests, France has launched a pre-emptive strike on Pacific peoples. Hopefully, the talks today will change the course France is on.

If it is so safe, why not test these warheads in Paris?

TODAY IS FLAG DAY

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Today, June 14, is Flag Day, a day we honor the symbol of freedom, the symbol of individual liberties, the symbol of limited government.

Our Founding Fathers prayed daily for guidance to create the most perfect form of self-government. A woman asked Benjamin Franklin after they had written this document, the Constitution, ''What have you given us?'' He replied, ''A republic, if you can keep it.''

The Contract With America will restore the luster of this great republic: A strong national defense, a balanced budget and living within our means, limits on onerous regulations, an open and independent Congress.

The flag is a symbol of our liberty. It is not to be burned, spit upon, or defiled.

Happy birthday, flag, and may God continue to bless America.

AGAINST BALANCING BUDGET AT EXPENSE OF MEDICARE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last night President Clinton turned up the pressure to reach a balanced budget.

I am sympathetic to that idea and to creating pressure for a more bipartisan effort, but I must say that I profoundly disagree with the President's proposal for $130 billion of Medicare cuts. Like the Republican proposal, when you slash Medicare in the context of a budget where you are cutting taxes, the Medicare cuts are no more than a piggy bank for another purpose, and I think that that is wrong.

I have said all along that the only way to move toward a balanced budget is to make everyone contribute to that effort, and that includes cuts in corporate subsidies. We should move toward a balanced budget, but if we do that, everyone should be asked to contribute. We need to move toward that balanced budget, but not with a disproportionate cut to the seniors of this country.

MIKE TYSON IS NO HERO

(Mr. MCINNIS asked and was given permission to address the House for 1 minute.)

Mr. MCINNIS. Mr. Speaker, to my colleagues, as we know from our history, this country was built into the best country in the whole world, built on character, based on character, based on honesty, and based on integrity.

With that in mind, I want you to note a very important date, that is this next Tuesday, June 20 when in New York a welcoming committee will give a hero's welcome to a convicted rapist, Mike Tyson. This is what the Wall Street Journal says.

Enough is enough. Mr. Tyson has expressed no remorse for his unfortunate encounter with Ms. Washington, the young black woman he was convicted of raping. He has been quoted as saying, ''I like to hurt women when I make love to them. It gives me pleasure.''

And now this country is going to give him a hero's welcome. I wonder if that welcoming committee is going to show up to welcome Captain O'Grady. I wonder if that welcoming committee could find time to honor the best teacher in New York State or the best teacher in Colorado or some of the highest graduates from our colleges across the country?

Mike Tyson is a disgrace to this country, and in this American's opinion, he is no hero.

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PROGRAMS AMERICANS NEED

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, this country has a $4.6 trillion national debt, and the leadership in Congress is proposing major cuts in Medicare, Medicaid, veterans' programs, student loans, Head Start, nutrition programs, and millions of dollars in cuts in programs that Americans all over this country desperately need.

Within that context, how in God's name could the Congress last night vote to expand the B–2 bomber program and spend another $1.5 billion per airplane for another 20 planes? This despite the fact that the Pentagon has said they do not need the planes, they do not want the planes.

Would it not be a good thing if the elderly and the young and the sick had friends in this Congress to the degree that the B–2 bomber does?

BAN DESECRATION OF THE FLAG

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, as I come to the well today, I can hardly contain my excitement, because today is Flag Day. It is the day we honor Old Glory, and what a day, because you know on June 28 I will bring on this floor the constitutional amendment that will ban the physical desecration of the American flag, and you know what? We have 282 cosponsors and we only need 290 to pass it on this floor, and we are going to do it. What a day for you to come to this well today and get on as one of the original cosponsors, because it will go down in the history of this country as the fastest ratified amendment ever presented to the American people. Let's go, guys, come on down here and cosponsor it.

COMMENDING THE PRESIDENT'S BUDGET PLAN

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, I rise to commend the President of the

United States for the plan he put forth last night to balance the Federal budget by the year 2005. I further commend him for proposing that our health care and education programs be protected for the long-term strength of this Nation.

We now, for the first time in a very long time, have the House and the Senate and the President working toward the important goal of balancing our Federal budget.

We are proud that we have reduced our deficit for each of the last 3 years, the first time since Harry Truman was President that we have been able to say that. And now let the debate begin about how we can continue to stay on this path to a balanced budget.

WHAT ARE THE PRESIDENT'S BUDGET SPECIFICS?

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, the freshmen Republicans sent President Clinton a letter 1 month ago encouraging him to submit a balanced budget. Up until now President Clinton had sided with his pollsters and spin-masters and made a conscious decision not to submit a balanced budget. Welcome to the arena, Mr. President. We hope your decision is a permanent one and that you do not change your mind and fall back when the going gets tough.

But if you noticed, the President was not very specific about how to accomplish his stated goal. Where are the details, Mr. President? Where are the specifics on how to achieve your balanced budget?

Republicans accepted Mr. Clinton's challenge back in January to be specific about our plan. Mr. President, give us your specifics. I will be glad to make copies and distribute them to the rest of my colleagues.

JOIN WITH THE PRESIDENT TO SOLVE THE BUDGET PROBLEM

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, I rise this morning in strong support of what President Clinton is beginning to work on with the Congress.

I heard just as President Clinton heard on Sunday, and I think that the American people can be confident that we all get the message. The message is, we need to work together. We need to come together to find a way to deal with our long-term deficit problem.

Now, for people to argue that 7 or 10 years is a big difference, I think misses the point. The point is, we need to decide how we can do it without providing a huge tax break for the most wealthy, without slashing the programs that help those in our society who need help, but with a glidepath to a balanced budget. If it is in 10 years, that is fine. That is what we need to do. But we need to do it together, and I reach out to my colleagues on the other side of the aisle. Please, join with the President, try to find a constructive solution to this problem.

FLAG BURNING

(Mr. LOBIONDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOBIONDO. Mr. Speaker, this Wednesday is Flag Day.

Throughtout the Nation, Americans will unfurl the Stars and Stripes, flying our flag proudly as citizens of the greatest Nation on Earth.

Our flag reminds us of our heritage. It reminds us of everything that is good about this Nation, and it reminds us of all those who have served America in the Armed Forces who make it all possible.

Our flag is more than just a piece of cloth. It embodies us as a nation—our values and our beliefs. And especially, the memories of all those who gave their lives to make the United States of America the great country it is today.

That is why we cannot tolerate any deliberate desecration of the American flag.

I for one look forward to June 28 when we will vote on a constitutional amendment banning flag desecration. I will be proud to cast my vote for that amendment because I believe our flag is part of the very fabric of America, and the symbol that our veterans fought for and died for and deserves this protection.

MARRIAGE PENALTY

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, the American Heritage Dictionary defines the word ''simplify'' as ''to render less complex.'' When it comes to the marriage penalty provision in the Tax Code, the Republican contract defines ''simplify'' as 20 additional pages of tax tables and more confusion and headaches.

Do not get me wrong—I oppose the marriage penalty and have tried for years to reduce it. The Republicans tried to make it better—and I applauded them for the effort. But the results do not live up to the promise.

I have with me an analysis from the Treasury Department that says the Republican contract's marriage penalty provision is an administrative nightmare. It would add dozens of pages of tax tables, all for very little benefit to the taxpayer. Treasury also estimated that taxpayers with interest from savings accounts or who itemize deductions would have to do four sets of calculations under the new marriage penalty provision. That is the exact opposite of tax simplification.

I urge my colleagues to rethink this provision. Anything worth doing is worth doing right. And things should not get more complex when we try to simplify.

PUBLIC BROADCASTING

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, like millions of Americans, I am a supporter of the Public Broadcasting System. And, like millions of Americans, I am also a supporter of reducing the size of government and balancing our budget. Preserving PBS and balancing the budget are worthy, and not totally inconsistent, goals. I have come to the conclusion that we can do both.

At first glance, some might suggest that my conclusion is far fetched. After all, Federal dollars are becoming harder and harder to come by. The priorities are many and the dollars are few. But I believe we are overlooking a tremendous opportunity for both Congress and public broadcasting. It is called the free marketplace.

In this age of exploding technology and the revolution in the telecommunications industry, the marketplace is where the action—and the future—is. Public broadcasting's greatest asset—its educational mission—is a marketing dream and provides an attractive incentive for investment.

Interest remains high in the marketplace—and in living rooms across America—for quality programming. I believe innovative public-private partnerships hold the key, providing public broadcasting the opportunity to seek ways of lessening its dependence on Federal dollars while exploring a long-term funding strategy.

It is time for a bold, imaginative, and decisive action plan to guide the future of public broadcasting. That course can best be determined by joining together the leadership of Congress, public broadcasting, and the business community. Acting together, we can secure long term viability. But we must act now. Time is running out.

Rather than pointing fingers, Republicans and Democrats should join together in building a bridge between business and public broadcasting. Short of a private/public partnership, partisan politics will prevail. Lacking a truly bipartisan solution, Congress will lose more than Big Bird and the Civil War. We will lose the trust of the American people who look to us for leadership and creative solutions to guide the future of this treasured national resource.

SUPREME COURT DECISION TURNS BACK THE CLOCK

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extent his remarks.)

Mr. HILLIARD. Mr. Speaker, I rise today to express my displeasure over

the Supreme Court ruling on affirmative action programs. These programs have been in place to assist struggling minority and women-owned businesses all over the country, people who have been denied opportunities in the past by law and who are still being denied opportunities in fact. They have been denied the opportunities to participate in this great country. We must not let the Republican angry-white-male syndrome keep others from full participation in the American dream.

We must continue to reach out to the disadvantaged, not only to blacks, but to women and also to those who have physical disabilities.

The current Supreme Court decision has turned back the clock of time. We must reverse this in order to continue the few decades of progress this country has made in the area of diversity, equality, and justice for all.

Mr. Speaker, this Nation cannot afford to go back down the road to discrimination.

WHAT ARE DETAILS OF PRESIDENT'S BUDGET PLANS?

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRYSLER. Mr. Speaker, I would like to welcome Mr. Clinton to the balanced budget battle. You know, we are looking forward to the details of his plans. All we know at this time is that 90 percent of its cuts, $190 billion, occur in the last year of its 10-year plan. The freshmen sent a letter to the leadership and said that we would not vote for any budget that did not put this country on the glidepath to a balanced budget by the year 2002. The leadership then sent a letter to the President and asked him if he would give us his vision, where he would like the money spent, and give us a budget that would balance. We asked for that to be done before he went to Russia, and in fact we received only the budget that gave us $200 billion deficits for as far as the eye could see.

Well I guess at this point he has wet his finger and seen which way the political winds are blowing, and can we really take him seriously when in fact it was him and his people that worked in the Senate to kill the balanced budget amendment by getting six Democrats that had always voted for a balanced budget in the Senate to vote against the balanced budget amendment.

PRESIDENT'S BUDGET EFFORTS ARE LATE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, this morning the silence is deafening. Only 2 members of the new minority, with over 200 members in their ranks, only 2 members of the new minority stood here in the well of the House to champion the President's effort to balance the budget. Let me again repeat what the ranking Democrat on the House Committee on Appropriations told both the Associated Press and ABC News:

I think most of us learned some time ago that if you don't like the President's position on a particular issue, you simply need to wait a few weeks . . . If you can follow this White House on the budget, you're a whole lot smarter than I am.

So spoke the gentleman from Wisconsin [Mr. OBEY]. Small wonder then that I refer to my friends on this side of the aisle as guardians of the old order. We welcome the President's efforts, but as our own leadership said, this train left the station, and he is making a vain attempt now to latch on to the caboose.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on House Oversight; Committee on Resources; Committee on Science; and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. BUNNING). Is there objection to the request of the gentleman from Arizona?

Mr. MCNULTY. Mr. Speaker, reserving the right to object, the gentleman is correct, the minority has been consulted. There is no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

MODIFICATION TO DELLUMS AMENDMENT NUMBER 2 TO H.R. 1530, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that during further consideration of the bill, H.R. 1530, pursuant to House Resolution 164, my amendment at the desk which corrects a drafting error be substituted for and considered in lieu of my amendment No. 2 now printed in subpart D of part 1 of House Report 104–136.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment number 2 in subpart D of part 1 of House Report 104–136 offered by Mr. DELLUMS:

Page 38, line 18, insert ''(a) IN GENERAL.—'' before ''Of the amounts''.

Page 38, after line 22, insert the following:

(b) REDUCTION.—The amounts provided in subsection (a) and in section 201(4) are each hereby reduced by $628,000,000.

(c) NATIONAL MISSILE DEFENSE AMOUNT.—Of the amount provided in subsection (a) (as reduced by subsection (b)), $371,000,000 is for the National Missile Defense program.

At the end of title IV (page 161, after line 3), insert the following new section:

SEC. 433. ADDITIONAL MILITARY PERSONNEL AUTHORIZATION.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1996 for military personnel the sum of $628,000,000. Of the amount appropriated pursuant to such authorization—

(1) $150,000,000 (or the full amount appropriated, whichever is less) shall be for increased payments for the Variable Housing Allowance program under section 403a of title 37, United States Code, by reason of the amendments made by section 604; and

(2) any remaining amount shall be allocated, in such manner as the Secretary of Defense prescribes, for payments for the Variable Housing Allowance, the Basic Allowance for Quarters, and the Basic Allowance for Subsistence in such a manner as to minimize the need for enlisted personnel to apply for food stamps.

Page 280, beginning on line 19, strike out ''beginning after June 30, 1996'' and inserting in lieu thereof ''after September 1995''.

Mr. DELLUMS (during the reading). Mr. Speaker, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The SPEAKER pro tempore. Pursuant to House Resolution 164 and rule XXIII the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1530.

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IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, June 13, 1995, the amendments en bloc offered by the gentleman from South Carolina [Mr. SPENCE] had been disposed of.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair takes this opportunity to remind all staff who now enjoy the privilege of the floor that they are to desist from audible conversations and are not to manifest any approval or disapproval of proceedings.

It is now in order to consider the amendment printed in subpart (c) of part 1 of the report.

AMENDMENT, AS MODIFIED, OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Chairman, pursuant to section 4(a) of House Resolution 164, I offer an amendment in modified form.

The CHAIRMAN. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified is as follows:

Amendment, as modified, offered by Mr. CLINGER:

After the heading for title VIII (page 323, after line 15), insert the following (and conform the table of contents accordingly):

Subtitle A—Competition

SEC. 801. IMPROVEMENT OF COMPETITION REQUIREMENTS.

(a) ARMED SERVICES ACQUISITIONS.—(1) Section 2304 of title 10, United States Code, is amended to read as follows:

"§ 2304. Contracts: competition requirements

''(a) MAXIMUM PRACTICABLE COMPETITION.—Except as provided in subsections (b), (c), and (e) and except in the case of procurement procedures otherwise expressly authorized by statute, the head of an agency in conducting a procurement for property or services—

''(1) shall obtain maximum practicable competition through the use of competitive procedures consistent with the need to efficiently fulfill the Government's requirements in accordance with this chapter and the Federal Acquisition Regulation; and

''(2) shall use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.

''(b) EXCLUSION OF PARTICULAR SOURCE.—The head of an agency may provide for the procurement of property or services covered by this chapter using competitive procedures but excluding a particular source in order to establish or maintain an alternative source or sources of supply for that property or service. The Federal Acquisition Regulation shall set forth the circumstances under which a particular source may be excluded pursuant to this subsection.

''(c) EXCLUSION OF CONCERNS OTHER THAN SMALL BUSINESS CONCERNS AND CERTAIN OTHER ENTITIES.—The head of an agency may provide for the procurement of property or services covered by this section using competitive procedures, but excluding concerns other than small business concerns in furtherance of sections 9 and 15 of the Small Business Act (15 U.S.C. 638, 644) and concerns other than small business concerns, historically Black colleges and universities, and minority institutions in furtherance of section 2323 of this title.

''(d) PROCEDURES OTHER THAN COMPETITIVE PROCEDURES.—Procedures other than competitive procedures may be used for purchasing property and services only when the use of competitive procedures is not feasible or appropriate. Each procurement using procedures other than competitive procedures (other than a procurement for commercial items or a procurement in an amount not greater than the simplified acquisition threshold) shall be justified in writing and approved in accordance with the Federal Acquisition Regulation.

''(e) SIMPLIFIED PROCEDURES.—(1) In order to promote efficiency and economy in contracting and to avoid unnecessary burdens for agencies and contractors, the Federal Acquisition Regulation shall provide for special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold.

''(2) A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the simplified procedures required by paragraph (1).

''(3) In using simplified procedures, the head of an agency shall ensure that competition is obtained to the extent practicable consistent with the particular Government requirement.

''(f) CERTAIN CONTRACTS.—For the purposes of the following laws, purchases or contracts awarded after using procedures other than sealed-bid procedures shall be treated as if they were made with sealed-bid procedures:

''(1) The Walsh-Healey Act (41 U.S.C. 35–45).

''(2) The Act entitled ''An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes'', approved March 3, 1931 (commonly referred to as the ''Davis-Bacon Act'') (40 U.S.C. 276a–276a–5).''.

(2) Chapter 137 of title 10, United States Code, is amended by inserting before section 2305 a new section—

(A) the designation and heading for which is as follows:

"§ 2304f. Merit-based selection"; and

(B) the text of which consists of subsection (j) of section 2304 of such title, as in effect on the day before the date of the enactment of this Act, modified—

(i) by striking out the subsection designation and the subsection heading;

(ii) in paragraphs (2)(A), (3), and (4), by striking out ''subsection'' and inserting in lieu thereof ''section'' each place it appears;

(iii) in paragraph (2)(C), by striking out ''paragraph (1)'' and inserting in lieu thereof ''subsection (a)'';

(iv) by redesignating paragraphs (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively; and

(v) in subsection (b) (as so redesignated), by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(3) The table of sections at the beginning of such chapter is amended by inserting before the item relating section 2305 the following new item:

''2304f. Merit-based selection.''.

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended to read as follows:

"SEC. 303. CONTRACTS: COMPETITION REQUIREMENTS.

''(a) MAXIMUM PRACTICABLE COMPETITION.—Except as provided in subsections (b), (c), and (e) and except in the case of procurement procedures otherwise expressly authorized by statute, an executive agency in conducting a procurement for property or services—

''(1) shall obtain maximum practicable competition through the use of competitive procedures consistent with the need to efficiently fulfill the Government's requirements in accordance with this chapter and the Federal Acquisition Regulation; and

''(2) shall use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.

''(b) EXCLUSION OF PARTICULAR SOURCE.—An executive agency may provide for the procurement of property or services covered by this chapter using competitive procedures but excluding a particular source in order to establish or maintain an alternative source or sources of supply for that property or service. The Federal Acquisition Regulation shall set forth the circumstances under which a particular source may be excluded pursuant to this subsection.

''(c) EXCLUSION OF CONCERNS OTHER THAN SMALL BUSINESS CONCERNS AND CERTAIN OTHER ENTITIES.—An executive agency may provide for the procurement of property or services covered by this section using competitive procedures, but excluding concerns other than small business concerns in furtherance of sections 9 and 15 of the Small Business Act (15 U.S.C. 638, 644) and concerns other than small business concerns, historically Black colleges and universities, and minority institutions in furtherance of section 7102 of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note).

''(d) PROCEDURES OTHER THAN COMPETITIVE PROCEDURES.—Procedures other than competitive procedures may be used for purchasing property and services only when the use of competitive procedures is not feasible or appropriate. Each procurement using procedures other than competitive procedures (other than a procurement for commercial items or a procurement in an amount not greater than the simplified acquisition threshold) shall be justified in writing and approved in accordance with the Federal Acquisition Regulation.

''(e) SIMPLIFIED PROCEDURES.—(1) In order to promote efficiency and economy in contracting and to avoid unnecessary burdens for agencies and contractors, the Federal Acquisition Regulation shall provide for special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold.

''(2)(A) The Administrator of General Services shall prescribe regulations that provide special simplified procedures for acquisitions of leasehold interests in real property at rental rates that do not exceed the simplified acquisition threshold.

''(B) For purposes of subparagraph (A), the rental rate or rates under a multiyear lease do not exceed the simplified acquisition threshold if the average annual amount of the rent payable for the period of the lease does not exceed the simplified acquisition threshold.

''(3) A proposed purchase or contract or for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the simplified procedures required by paragraph (1).

''(4) In using simplified procedures, an executive agency shall ensure that competition is obtained to the extent practicable consistent with the particular Government requirement.''.

(2) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303L a new section—

(A) the designation and heading for which is as follows:

"SEC. 303M. MERIT-BASED SELECTION."; and

(B) the text of which consists of subsection (h) of section 303 of such Act, as in effect on the day before the date of the enactment of this Act, modified—

(i) by striking out the subsection designation and the subsection heading;

(ii) in paragraphs (2)(A), (3), and (4), by striking out ''subsection'' and inserting in lieu thereof ''section'' each place it appears;

(iii) in paragraph (2)(C), by striking out ''paragraph (1)'' and inserting in lieu thereof ''subsection (a)'';

(iv) by redesignating paragraphs (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively; and

(v) in subsection (b) (as so redesignated), by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(3) The table of contents for the Federal Property and Administrative Services Act of 1949 (contained in section 1(b)) is amended—

(A) by striking out the item relating to section 303 and inserting in lieu thereof the following:

''Sec. 303. Contracts: competition requirements.''; and

(B) by inserting after the item relating to section 303L the following new item:

''Sec. 303M. Merit-based selection.''.

(c) REVISIONS TO PROCUREMENT NOTICE PROVISIONS.—Section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended in subsection (b)(4)—

(1) by striking out ''all''; and

(2) by striking out ''(as appropriate) which shall be considered by the agency''.

(d) REPEAL OF DUPLICATIVE PROVISIONS.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(1) by striking out subsections (e), (f), (g), (h), and (i); and

(2) by redesignating subsection (j) as subsection (e).

(e) EXECUTIVE AGENCY RESPONSIBILITIES.—(1) Section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) is amended—

(A) by striking out ''achieve'' in the matter preceding paragraph (1) and inserting in lieu thereof ''promote''; and

(B) by amending paragraph (1) to read as follows:

''(1) to implement maximum practicable competition in the procurement of property or services by the executive agency by establishing policies, procedures, and practices that are consistent with the need to efficiently fulfill the Government's requirements;''.

(2) Section 20 of such Act (41 U.S.C. 418) is amended in subsection (a)(2)(A) by striking out ''serving in a position authorized for such executive agency on the date of enactment of the Competition in Contracting Act of 1984''.

SEC. 802. DEFINITION RELATING TO COMPETITION REQUIREMENTS.

(a) DEFINITION.—Paragraph (6) of section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) is amended to read as follows:

''(6) The term 'maximum practicable competition', when used with respect to a procurement, means that the maximum number of responsible or verified sources, consistent with the particular Government requirement, are permitted to submit sealed bids or competitive proposals on the procurement.''.

(b) CONFORMING AMENDMENTS.—

(1) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The Office of Federal Procurement Policy Act is further amended—

(A) in section 4(5), by striking out ''full and open'' and inserting ''maximum practicable''; and

(B) in section 20, by striking out ''full and open'' and inserting in lieu thereof ''maximum practicable'' each place it appears in subsection (b)(1), subsection (b)(3)(A), subsection (b)(4)(C), and subsection (c);

(2) TITLE 10.—Title 10, United States Code, is amended—

(A) in section 2302(2), by striking out ''pursuant to full and open competition'' and inserting in lieu thereof ''using maximum practicable competition'';

(B) in section 2323(e)(3), by striking out ''less than full and open'' and inserting in lieu thereof ''procedures other than''; and

(C) in each of the following sections, by striking out ''full and open'' and inserting in lieu thereof ''maximum practicable'':

(i) Section 2302(3).

(ii) Section 2305(a)(1)(A)(i).

(iii) Section 2305(a)(1)(A)(iii).

(iv) Section 2323(i)(3)(A).

(3) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended—

(A) in section 309(b), by striking out ''pursuant to full and open competition'' and inserting in lieu thereof ''using maximum practicable competition''; and

(B) in each of the following sections, by striking out ''full and open'' and inserting in lieu thereof ''maximum practicable'':

(i) Section 303A(a)(1)(A).

(ii) Section 303A(a)(1)(C).

(iii) Section 304B(a)(2)(B).

(iv) Section 309(c)(4).

(4) OTHER LAWS.—(A) Section 7102 of the Federal Acquisition Streamlining Act of 1994 (108 Stat. 3367; 15 U.S.C. 644 note) is amended in subsection (a)(1)(A) by striking out ''less than full and open competition'' and inserting in lieu thereof ''procedures other than competitive procedures''.

(B) Section 15(l) of the Small Business Act (15 U.S.C. 644(l)) is amended in paragraph (1) and in paragraph (2)(A) by striking out ''full and open'' and inserting in lieu thereof ''maximum practicable'' each place it appears.

SEC. 803. CONTRACT SOLICITATION AMENDMENTS.

(a) ARMED SERVICES ACQUISITIONS.—Section 2305 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B) and in that subparagraph by striking out ''subparagraphs (A) and (B)'' and inserting in lieu thereof ''subparagraph (A)''; and

(2) in subsection (b)(4)(A)(i), by striking out ''all'' and inserting in lieu thereof ''the''.

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a) is amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2) and in that paragraph by striking out ''paragraphs (1) and (2)'' and inserting in lieu there of ''paragraph (1)''.

(2) Section 303B(d)(1)(A) of such Act (41 U.S.C. 253b) is amended by striking out ''all'' and inserting in lieu thereof ''the''.

SEC. 804. PREAWARD DEBRIEFINGS.

(a) ARMED SERVICES ACQUISITIONS.—Section 2305(b) of title 10, United States Code, is amended—

(1) by striking out subparagraph (F) of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

''(6)(A) When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes such an offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within three days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award. The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable and may refuse the request for a debriefing if it is not in the best interests of the Government to conduct a debriefing at that time.

''(B) The contracting officer is required to debrief an excluded offeror in accordance with paragraph (5) of this section only if that offeror requested and was refused a preaward debriefing under subparagraph (A) of this paragraph.

''(C) The debriefing conducted under this subsection shall include—

''(i) the executive agency's evaluation of the significant elements in the offeror's offer;

''(ii) a summary of the rationale for the offeror's exclusion; and

''(iii) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

''(D) The debriefing conducted pursuant to this subsection may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

''(7) The contracting officer shall include a summary of any debriefing conducted under paragraph (5) or (6) in the contract file.''.

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) by striking out paragraph (6) of subsection (e);

(2) by redesignating subsections (f), (g), (h), and (i) as subsections (h), (i), (j), and (k), respectively; and

(3) by inserting after subsection (e) the following new subsections:

''(f)(1) When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes such an offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within 3 days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award. The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable and may refuse the request for a debriefing if it is not in the best interests of the Government to conduct a debriefing at that time.

''(2) The contracting officer is required to debrief an excluded offeror in accordance with subsection (e) of this section only if that offeror requested and was refused a preaward debriefing under paragraph (1) of this subsection.

''(3) The debriefing conducted under this subsection shall include—

''(A) the executive agency's evaluation of the significant elements in the offeror's offer;

''(B) a summary of the rationale for the offeror's exclusion; and

''(C) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

''(4) The debriefing conducted pursuant to this subsection may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

''(g) The contracting officer shall include a summary of the any debriefing conducted under subsection (e) or (f) in the contract file.''.

SEC. 805. CONTRACT TYPES.

(a) ARMED SERVICES ACQUISITIONS.—(1) Section 2306 of title 10, United States Code, is amended—

(A) by inserting before the period at the end of subsection (a) the following: '', based on market conditions, established commercial practice (if any) for the product or service being acquired, and sound business judgment'';

(B) by striking out subsections (b), (d), (e), (f), and (h); and

(C) by redesignating subsection (g) as subsection (b).

(2) The heading of such section is amended to read as follows:

''§ 2306. Contract types''.

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Section 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254) is amended—

(A) by inserting before the period at the end of the first sentence of subsection (a) the following: '', based on market conditions, established commercial practice (if any) for the product or service being acquired, and sound business judgment''; and

(B) by striking out ''Every contract award'' in the second sentence of subsection (a) and all that follows through the end of the section.

(2) The heading of such section is amended to read as follows:

''SEC. 304. CONTRACT TYPES.''.

(c) CONFORMING REPEALS.—(1) Sections 4540, 7212, and 9540 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 433 of such title is amended by striking out the item relating to section 4540.

(3) The table of sections at the beginning of chapter 631 of such title is amended by striking out the item relating to section 7212.

(4) The table of sections at the beginning of chapter 933 of such title is amended by striking out the item relating to section 9540.

(d) CIVIL WORKS AUTHORITY.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2332. Contracts for architectural and engineering services and construction design

''The Secretary of Defense and the Secretaries of the military departments may enter into contracts for architectural and engineering services in connection with a military construction or family housing project or for other Department of Defense or military department purposes. Such contracts shall be awarded in accordance with the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.).''.

(2) The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

''2332. Contracts for architectural and engineering services and construction design.''.

(3) Section 2855 of such title is repealed. The table of sections at the beginning of chapter 169 of such title is amended by striking out the item relating to such section.

SEC. 806. CONTRACTOR PERFORMANCE.

(a) REQUIREMENT FOR SYSTEM.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

''SEC. 35. CONTRACTOR PERFORMANCE.

''(a) VERIFICATION AUTHORIZED.—The Federal Acquisition Regulation shall provide a contractor verification system for the procurement of particular property or services that are procured by executive agencies on a repetitive basis. Under the system, the head of an executive agency—

''(1) shall use competitive procedures to verify contractors as eligible for contracts to furnish such property or services; and

''(2) shall award verifications on the basis of the relative efficiency and effectiveness of the business practices, level of quality, and demonstrated contract performance of the responding contractors with regard to the particular property or services.

''(b) PROCUREMENT FROM VERIFIED CONTRACTORS.—The Federal Acquisition Regulation shall provide procedures under which the head of an executive agency may enter into a contract for a procurement of property or services referred to in subsection (a) on the basis of a competition among contractors verified with respect to such property or services pursuant to that subsection.

''(c) TERMINATION OF VERIFICATION.—The Federal Acquisition Regulation shall provide procedures under which the head of an executive agency—

''(1) may provide for the termination of a verification awarded a contractor under this section upon the expiration of a period specified by the head of an executive agency; and

''(2) may revoke a verification awarded a contractor under this section upon a determination that the quality of performance of the contractor does not meet standards applied by the head of the executive agency as of the time of the revocation decision.''.

(b) REPEALS.—Section 2319 of title 10, United States Code, is repealed. Section 303C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253c) is repealed.

(c) CLERICAL AMENDMENTS.—(1) The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by adding at the end the following new item:

''Sec. 35. Contractor performance.''.

(2) The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking out the item relating to section 2319.

(3) The table of contents for the Federal Property and Administrative Services Act of 1949 (contained in section 1(b)) is amended by striking out the item relating to section 303C.

Subtitle B—Commercial Items

SEC. 811. COMMERCIAL ITEM EXCEPTION TO REQUIREMENT FOR COST OR PRICING DATA AND INFORMATION LIMITATIONS.

(a) ARMED SERVICES ACQUISITIONS.—(1) Subsections (b), (c), and (d) of section 2306a of title 10, United States Code, are amended to read as follows:

''(b) EXCEPTIONS.—

''(1) IN GENERAL.—Submission of cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or modification of a contract or subcontract—

''(A) for which the price agreed upon is based on—

''(i) adequate price competition; or

''(ii) prices set by law or regulation;

''(B) for the acquisition of a commercial item; or

''(C) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

''(2) MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception on the submission of cost or pricing data in paragraph (1)(A) or (1)(B), submission of cost or pricing data shall not be required under subsection (a) if—

''(A) the contract or subcontract being modified is a contract or subcontract for which submission of cost or pricing data may not be required by reason of paragraph (1)(A) or (1)(B); and

''(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

''(c) AUTHORITY TO REQUIRE COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.—(1) Subject to paragraph (2), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

''(2) The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

''(3) The head of a procuring activity may not delegate functions under this paragraph.

''(d) LIMITATIONS ON OTHER INFORMATION.—The Federal Acquisition Regulation shall include the following:

''(1) Provisions concerning the types of information that contracting officers may consider in determining whether the price of a procurement to the Government is fair and reasonable when certified cost or pricing data are not required to be submitted under this section, including appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of the proposed contract or subcontract for the procurement.

''(2) Reasonable limitations on requests for sales data relating to commercial items.

''(3) A requirement that a contracting officer shall, to the maximum extent practicable, limit the scope of any request for information relating to commercial items from an offeror to only that information that is in the form regularly maintained by the offeror in commercial operations.

''(4) A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.''.

(2) Section 2306a of such title is further amended—

(A) by striking out subsection (h); and

(B) by redesignating subsection (i) as subsection (h).

(3) Section 2375 of title 10, United States Code, is amended by striking out subsection (c).

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Subsections (b), (c) and (d) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b) are amended to read as follows:

''(b) EXCEPTIONS.—

''(1) IN GENERAL.—Submission of cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or a modification of a contract or subcontract—

''(A) for which the price agreed upon is based on—

''(i) adequate price competition; or

''(ii) prices set by law or regulation;

''(B) for the acquisition of a commercial item; or

''(C) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

''(2) MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception on the submission of cost or pricing data in paragraph (1)(A) or (1)(B), submission of cost or pricing data shall not be required under subsection (a) if—

''(A) the contract or subcontract being modified is a contract or subcontract for which submission of cost or pricing data may not be required by reason of paragraph (1)(A) or (1)(B); and

''(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

''(c) AUTHORITY TO REQUIRE COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.—(1) Subject to paragraph (2), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

''(2) The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

''(3) The head of a procuring activity may not delegate the functions under this paragraph.

''(d) LIMITATIONS ON OTHER INFORMATION.—The Federal Acquisition Regulation shall include the following:

''(1) Provisions concerning the types of information that contracting officers may consider in determining whether the price of a procurement to the Government is fair and reasonable when certified cost or pricing data are not required to be submitted under this section, including appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of the proposed contract or subcontract for the procurement.

''(2) Reasonable limitations on requests for sales data relating to commercial items.

''(3) A requirement that a contracting officer shall, to the maximum extent practicable, limit the scope of any request for information relating to commercial items from an offeror to only that information that is in the form regularly maintained by the offeror in commercial operations.

''(4) A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.''.

(2) Section 304A of such Act is further amended—

(A) by striking out subsection (h); and

(B) by redesignating subsection (i) as subsection (h).

SEC. 812. APPLICATION OF SIMPLIFIED PROCEDURES TO COMMERCIAL ITEMS.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304(e) of title 10, United States Code, as added by section 801(a), is amended—

(1) in paragraph (1), by inserting after ''special simplified procedures'' the following: ''for purchases of commercial items and''; and

(2) by adding at the end the following new paragraph:

''(4) The Federal Acquisition Regulation shall provide that, in the case of a purchase of commercial items in an amount greater than the simplified acquisition threshold, the head of an agency may not conduct the purchase on a sole source basis unless the need to do so is justified in writing and approved in accordance with the Federal Acquisition Regulation.

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303(e) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), as added by section 801(b), is amended—

(1) in paragraph (1), by inserting after ''special simplified procedures'' the following: ''for purchases of commercial items and''; and

(2) by adding at the end the following new paragraph:

''(5) The Federal Acquisition Regulation shall provide that, in the case of a purchase of commercial items in an amount greater than the simplified acquisition threshold, an executive agency may not conduct the purchase on a sole source basis unless the need to do so is justified in writing and approved in accordance with the Federal Acquisition Regulation.''.

(c) SIMPLIFIED NOTICE.—Section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended in subsection (a)(5) (as redesignated by section 801(d))—

(1) by striking out ''limited''; and

(2) by inserting before ''submission'' the following: ''issuance of solicitations and the''.

SEC. 813. AMENDMENT TO DEFINITION OF COMMERCIAL ITEMS.

Section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F)) is amended by striking out ''catalog''.

SEC. 814. INAPPLICABILITY OF COST ACCOUNTING STANDARDS TO CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.

Subparagraph (B) of section 26(f)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by striking out clause (i) and inserting in lieu thereof the following:

''(i) Contracts or subcontracts for the acquisition of commercial items.''; and

(2) by striking out clause (iii).

Subtitle C—Additional Reform Provisions

Redesignate sections 801, 802, 803, 804, 805, 806, 807, and 808 as sections 821, 822, 823, 824, 825, 826, 827, and 828, respectively (and conform the table of contents accordingly).

Add at the end of title VIII (page 329, after line 13) the following (and conform the table of contents accordingly):

SEC. 829. GOVERNMENT RELIANCE ON THE PRIVATE SECTOR.

(a) GOVERNMENT RELIANCE ON THE PRIVATE SECTOR.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by inserting after section 16 the following new section:

''SEC. 17. GOVERNMENT RELIANCE ON THE PRIVATE SECTOR.

''It is the policy of the Federal Government to rely on the private sector to supply the products and services the Federal Government needs.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by inserting after the item relating to section 16 the following new item:

''Sec. 17. Government reliance on the private sector.''.

SEC. 830. ELIMINATION OF CERTAIN CERTIFICATION REQUIREMENTS.

(a) ELIMINATION OF CERTAIN STATUTORY CERTIFICATION REQUIREMENTS.—(1)(A) Section 2410 of title 10, United States Code, is amended—

(i) in the heading, by striking out ''**: certification**''; and

(ii) in subsection (a)—

(I) in the heading, by striking out ''CERTIFICATION'';

(II) by striking out ''unless'' and all that follows through ''that—'' and inserting in lieu thereof ''unless—''; and

(III) in paragraph (2), by striking out ''to the best of that person's knowledge and belief''.

(B) The item relating to section 2410 in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

''Sec. 2410. Requests for equitable adjustment or other relief.''.

(2) Section 2410b of title 10, United States Code, is amended in paragraph (2) by striking out ''certification and''.

(3) Section 1352(b)(2) of title 31, United States Code, is amended—

(A) by striking out subparagraph (C); and

(B) by inserting ''and'' after the semicolon at the end of subparagraph (A).

(4) Section 5152 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701) is amended—

(A) in subsection (a)(1), by striking out ''has certified to the contracting agency that it will'' and inserting in lieu thereof ''agrees to'';

(B) in subsection (a)(2), by striking out ''contract includes a certification by the individual'' and inserting in lieu thereof ''individual agrees''; and

(C) in subsection (b)(1)—

(i) by striking out subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (A) and in that subparagraph by striking out ''such certification by failing to carry out''; and

(iii) by redesignating subparagraph (C) as subparagraph (B).

(b) ELIMINATION OF CERTAIN REGULATORY CERTIFICATION REQUIREMENTS.—

(1) CURRENT CERTIFICATION REQUIREMENTS.—Not later than 210 days after the date of the enactment of this Act, any certification required of contractors or offerors by the Federal Acquisition Regulation or an executive agency procurement regulation that is not specifically imposed by statute shall be removed by the Administrator for Federal Procurement Policy from the Federal Acquisition Regulation or such agency regulation unless—

(A) written justification for such certification is provided to the Administrator (i) by the Federal Acquisition Regulatory Council (in the case of a certification in the Federal Acquisition Regulation), or (ii) by the head of an executive agency (in the case of a certification in an executive agency procurement regulation); and

(B) the Administrator approves in writing the retention of such certification.

(2) FUTURE CERTIFICATION REQUIREMENTS.—(A) Section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425) is amended—

(i) by amending the heading to read as follows:

"SEC. 22. CONTRACT CLAUSES AND CERTIFICATIONS.";

(ii) by inserting ''(a) NONSTANDARD CONTRACT CLAUSES.—'' before ''The Federal Acquisition''; and

(iii) by adding at the end the following new subsection:

''(b) PROHIBITION ON CERTIFICATION REQUIREMENTS.—A requirement for a certification by a contractor or offeror may not be included in the Federal Acquisition Regulation or an executive agency procurement regulation unless—

''(1) the certification is specifically imposed by statute; or

''(2) written justification for such certification is provided to the Administrator for Federal Procurement Policy (A) by the Federal Acquisition Regulatory Council (in the case of a certification in the Federal Acquisition Regulation), or (B) the head of an executive agency (in the case of a certification in an executive agency procurement regulation), and the Administrator approves in writing the inclusion of such certification.''.

(B) The item relating to section 29 in the table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) (41 U.S.C. 401 note) is amended to read as follows:

''Sec. 29. Contract clauses and certifications.''.

SEC. 831. AMENDMENT TO COMMENCEMENT AND EXPIRATION OF AUTHORITY TO CONDUCT CERTAIN TESTS OF PROCUREMENT PROCEDURES.

Subsection (j) of section 5061 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 413 note) is amended to read as follows:

''(j) COMMENCEMENT AND EXPIRATION OF AUTHORITY.—The authority to conduct a test under subsection (a) in an agency and to award contracts under such a test shall take effect on August 1, 1995, and shall expire on August 1, 2000. Contracts entered into before such authority expires in an agency pursuant to a test shall remain in effect, notwithstanding the expiration of the authority to conduct the test under this section.''.

SEC. 832. PROCUREMENT INTEGRITY.

(a) AMENDMENT OF PROCUREMENT INTEGRITY PROVISION.—Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended to read as follows:

"SEC. 27. RESTRICTIONS ON DISCLOSING AND OBTAINING CONTRACTOR BID OR PROPOSAL INFORMATION OR SOURCE SELECTION INFORMATION.

''(a) PROHIBITION ON DISCLOSING PROCUREMENT INFORMATION.—(1) A person described in paragraph (2) shall not, other than as provided by law, knowingly disclose contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

''(2) Paragraph (1) applies to any person who—

''(A) is a present or former officer or employee of the United States, or a person who is acting or has acted for or on behalf of, or who is advising or has advised the United States with respect to, a Federal agency procurement; and

''(B) by virtue of that office, employment, or relationship has or had access to contractor bid or proposal information or source selection information.

''(b) PROHIBITION ON OBTAINING PROCUREMENT INFORMATION.—A person shall not, other than as provided by law, knowingly obtain contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

''(c) PROHIBITION ON DISCLOSING OR OBTAINING PROCUREMENT INFORMATION IN CONNECTION WITH A PROTEST.—(1) A person shall not, other than as provided by law, knowingly violate the terms of a protective order described in paragraph (2) by disclosing or obtaining contractor bid or proposal information or source selection information related to the procurement contract concerned.

''(2) Paragraph (1) applies to any protective order issued by the the United States Board of Contract Appeals in connection with a protest against the award or proposed award of a Federal agency procurement contract.

''(d) PENALTIES AND ADMINISTRATIVE ACTIONS.—

''(1) CRIMINAL PENALTIES.—

''(A) Whoever engages in conduct constituting an offense under subsection (a), (b), or (c) shall be imprisoned for not more than one year or fined as provided under title 18, United States Code, or both.

''(B) Whoever engages in conduct constituting an offense under subsection (a), (b), or (c) for the purpose of either—

''(i) exchanging the information covered by such subsection for anything of value, or

''(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract,

shall be imprisoned for not more than 15 years or fined as provided under title 18, United States Code, or both.

''(2) CIVIL PENALTIES.—The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under subsection (a), (b), or (c). Upon proof of such conduct by a preponderance of the evidence, the person is subject to a civil penalty. An individual who engages in such conduct is subject to a civil penalty of not more than $50,000 for each violation plus twice the amount of compensation which the individual received or offered for the prohibited conduct. An organization that engages in such conduct is subject to a civil penalty of not more than $500,000 for each violation plus twice the amount of compensation which the organization received or offered for the prohibited conduct.

''(3) ADMINISTRATIVE ACTIONS.—(A) If a Federal agency receives information that a contractor or a person has engaged in conduct constituting an offense under subsection (a), (b), or (c), the Federal agency shall consider taking one or more of the following actions, as appropriate:

''(i) Cancellation of the Federal agency procurement, if a contract has not yet been awarded.

''(ii) Rescission of a contract with respect to which—

''(I) the contractor or someone acting for the contractor has been convicted for an offense under subsection (a), (b), or (c), or

''(II) the head of the agency that awarded the contract has determined, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting such an offense.

''(iii) Initiation of suspension or debarment proceedings for the protection of the Government in accordance with procedures in the Federal Acquisition Regulation.

''(iv) Initiation of adverse personnel action, pursuant to the procedures in chapter 75 of title 5, United States Code, or other applicable law or regulation.

''(B) If a Federal agency rescinds a contract pursuant to subparagraph (A)(ii), the United States is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.

''(C) For purposes of any suspension or debarment proceedings initiated pursuant to subparagraph (A)(iii), engaging in conduct constituting an offense under subsection (a), (b), or (c) affects the present responsibility of a Government contractor or subcontractor.

''(e) DEFINITIONS.—As used in this section:

''(1) The term 'contractor bid or proposal information' means any of the following information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

''(A) Cost or pricing data (as defined by section 2306a(h) of title 10, United States Code, with respect to procurements subject to that section, and section 304A(h) of Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(h), with respect to procurements subject to that section).

''(B) Indirect costs and direct labor rates.

''(C) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor in accordance with applicable law or regulation.

''(D) Information marked by the contractor as 'contractor bid or proposal information', in accordance with applicable law or regulation.

''(2) The term 'source selection information' means any of the following information prepared for use by a Federal agency for the purpose of evaluating a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

''(A) Bid prices submitted in response to a Federal agency solicitation for sealed bids, or lists of those bid prices before public bid opening.

''(B) Proposed costs or prices submitted in response to a Federal agency solicitation, or lists of those proposed costs or prices.

''(C) Source selection plans.

''(D) Technical evaluation plans.

''(E) Technical evaluations of proposals.

''(F) Cost or price evaluations of proposals.

''(G) Competitive range determinations that identify proposals that have a reasonable chance of being selected for award of a contract.

''(H) Rankings of bids, proposals, or competitors.

''(I) The reports and evaluations of source selection panels, boards, or advisory councils.

''(J) Other information marked as 'source selection information' based on a case-by-case determination by the head of the agency, his designee, or the contracting officer that its disclosure would jeopardize the integrity or successful completion of the Federal agency procurement to which the information relates.

''(3) The term 'Federal agency' has the meaning provided such term in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

''(4) The term 'Federal agency procurement' means the acquisition (by using competitive procedures and awarding a contract) of goods or services (including construction) from non-Federal sources by a Federal agency using appropriated funds.

''(5) The term 'contracting officer' means a person who, by appointment in accordance with applicable regulations, has the authority to enter into a Federal agency procurement contract on behalf of the Government and to make determinations and findings with respect to such a contract.

''(6) The term 'protest' means a written objection by an interested party to the award or proposed award of a Federal agency procurement contract, pursuant to title IV of the Federal Acquisition Reform Act of 1995.

''(f) LIMITATION ON PROTESTS.—No person may file a protest against the award or proposed award of a Federal agency procurement contract alleging an offense under subsection (a), (b), or (c), of this section, nor may the United States Board of Contract Appeals consider such an allegation in deciding a protest, unless that person reported to the Federal agency responsible for the procurement information that the person believed constituted evidence of the offense no later than 14 days after the person first discovered the possible offense.

''(g) SAVINGS PROVISIONS.—This section does not—

''(1) restrict the disclosure of information to, or its receipt by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

''(2) restrict a contractor from disclosing its own bid or proposal information or the recipient from receiving that information;

''(3) restrict the disclosure or receipt of information relating to a Federal agency procurement after it has been canceled by the Federal agency before contract award unless the Federal agency plans to resume the procurement;

''(4) prohibit individual meetings between a Federal agency employee and an offeror or potential offeror for, or a recipient of, a contract or subcontract under a Federal agency procurement, provided that unauthorized disclosure or receipt of contractor bid or proposal information or source selection information does not occur;

''(5) authorize the withholding of information from, nor restrict its receipt by, Congress, a committee or subcommittee of Congress, the Comptroller General, a Federal agency, or an inspector general of a Federal agency;

''(6) authorize the withholding of information from, nor restrict its receipt by, any board of contract appeals of a Federal agency or the Comptroller General in the course of a protest against the award or proposed award of a Federal agency procurement contract; or

''(7) limit the applicability of any requirements, sanctions, contract penalties, and remedies established under any other law or regulation.''.

(b) REPEALS.—The following provisions of law are repealed:

(1) Sections 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(2) Section 33 of the Federal Energy Administration Act of 1974 (15 U.S.C. 789).

(3) Section 281 of title 18, United States Code.

(4) Subsection (c) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(5) The first section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5918).

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking out the items relating to sections 2397, 2397a, 2397b, and 2397c.

(2) The table of sections at the beginning of chapter 15 of title 18, United States Code, is amended by striking out the item relating to section 281.

(3) Section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

SEC. 833. FURTHER ACQUISITION STREAMLINING PROVISIONS.

(a) PURPOSE OF OFFICE OF FEDERAL PROCUREMENT POLICY.—(1) Section 5(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 404) is amended to read as follows:

''(a) To promote economy, efficiency, and effectiveness in the procurement of property and services by the executive branch of the Federal Government, there shall be an Office of Federal Procurement Policy (hereinafter referred to as the 'Office') in the Office of Management and Budget to provide overall direction of Government-wide procurement policies, regulations, procedures, and forms for executive agencies.''.

(2) Sections 2 and 3 of such Act (41 U.S.C. 401 and 402) are repealed.

(b) REPEAL OF REPORT REQUIREMENT.—Section 8 of the Office of Federal Procurement Policy Act (41 U.S.C. 407) is repealed.

(c) REPEAL OF OBSOLETE PROVISIONS.—(1) Sections 10 and 11 of the Office of Federal Procurement Policy Act (41 U.S.C. 409 and 410) are repealed.

(d) CLERICAL AMENDMENTS.—The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by striking out the items relating to sections 2, 3, 8, 10, and 11.

SEC. 834. JUSTIFICATION OF MAJOR DEFENSE ACQUISITION PROGRAMS NOT MEETING GOALS.

Section 2220(b) of title 10, United States Code, is amended by adding at the end the following: ''In addition, the Secretary shall include in such annual report a justification for the continuation of any program that—

''(1) is more than 50 percent over the cost goal established for the development, procurement, or operational phase of the program;

''(2) fails to achieve at least 50 percent of the performance capability goals established for the development, procurement, or operational phase of the program; or

''(3) is more than 50 percent behind schedule, as determined in accordance with the schedule goal established for the development, procurement, or operational phase of the program.''.

SEC. 835. ENHANCED PERFORMANCE INCENTIVES FOR ACQUISITION WORKFORCE.

(a) ARMED SERVICES ACQUISITIONS.—Subsection (b) of section 5001 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3350; 10 U.S.C. 2220 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by designating the second sentence as paragraph (2);

(3) by inserting ''(1)'' after ''(b) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—''; and

(4) by adding at the end the following:

''(3) The Secretary shall include in the enhanced system of incentives the following:

''(A) Pay bands.

''(B) Significant and material pay and promotion incentives to be awarded, and significant and material unfavorable personnel actions to be imposed, under the system exclusively, or primarily, on the basis of the contributions of personnel to the performance of the acquisition program in relation to cost goals, performance goals, and schedule goals.

''(C) Provisions for pay incentives and promotion incentives to be awarded under the system.''.

(b) CIVILIAN AGENCY ACQUISITIONS.—Subsection (c) of section 5051 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3351; 41 U.S.C. 263 note) is amended—

(1) by redesignating subparagraphs (A) and (B) of paragraph (2) as clauses (i) and (ii); respectively;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting ''(1)'' after ''(c) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—''; and

(4) by adding at the end the following:

''(2) The Deputy Director shall include in the enhanced system of incentives under paragraph (1)(B) the following:

''(A) Pay bands.

''(B) Significant and material pay and promotion incentives to be awarded, and significant and material unfavorable personnel actions to be imposed, under the system exclusively, or primarily, on the basis of the contributions of personnel to the performance of the acquisition program in relation to cost goals, performance goals, and schedule goals.

''(C) Provisions for pay incentives and promotion incentives to be awarded under the system.''.

SEC. 836. RESULTS ORIENTED ACQUISITION PROGRAM CYCLE.

Section 5002(a) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3350) is amended—

(1) by inserting ''(1)'' before ''to ensure''; and

(2) by striking out the period at the end and inserting in lieu thereof the following: ''; (2) to ensure that the regulations compress the time periods associated with developing, procuring, and making operational new systems; and (3) to ensure that Department of Defense directives relating to development and procurement of information systems (numbered in the 8000 series) and the Department of Defense directives numbered in the 5000 series are consolidated into one series of directives that is consistent with such compressed time periods.''.

SEC. 837. RAPID CONTRACTING GOAL.

(a) GOAL.—The Office of Federal Procurement Policy Act is amended by adding at the end the following new section:

''SEC. 35. RAPID CONTRACTING GOAL.

The Administrator for Federal Procurement Policy shall establish a goal of reducing by 50 percent the time necessary for executive agencies to acquire an item for the user of that item.''.

(b) CLERICAL AMENDMENT.—The table of contents for such Act, contained in section 1(b), is amended by adding at the end the following new item:

''Sec. 35. Rapid contracting goal.''.

SEC. 838. ENCOURAGEMENT OF MULTIYEAR CONTRACTING.

(a) ARMED SERVICES ACQUISITIONS.—Section 2306b(a) of title 10, United States Code, is amended in the matter preceding paragraph (1) by striking out ''may'' and inserting in lieu thereof ''shall, to the maximum extent possible,''.

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 304B(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c(a)) is amended in the matter preceding paragraph (1) by striking out ''may'' and inserting in lieu thereof ''shall, to the maximum extent possible,''.

SEC. 839. CONTRACTOR SHARE OF GAINS AND LOSSES FROM COST, SCHEDULE, AND PERFORMANCE EXPERIENCE.

(a) ARMED SERVICES ACQUISITIONS.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2306b the following new section:

''§ 2306c. Contractor share of gains and losses from cost, schedule, and performance experience

''The Federal Acquisition Regulation shall contain provisions to ensure that, for any cost-type contract or incentive-type contract, the contractor may be rewarded for contract performance exceeding the contract cost, schedule, or performance parameters to the benefit of the United States and may be penalized for failing to adhere to cost, schedule, or performance parameters to the detriment of the United States.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after

the item relating to section 2306b the following new item:

''2306c. Contractor share of gains and losses from cost, schedule, and performance experience.''.

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 304C the following new section:

''SEC. 304D. CONTRACTOR SHARE OF GAINS AND LOSSES FROM COST, SCHEDULE, AND PERFORMANCE EXPERIENCE.

''The Federal Acquisition Regulation shall contain provisions to ensure that, for any cost-type contract or incentive-type contract, the contractor may be rewarded for contract performance exceeding the contract cost, schedule, or performance parameters to the benefit of the United States and may be penalized for failing to adhere to cost, schedule, or performance parameters to the detriment of the United States.''.

(2) The table of contents for such Act, contained in section 1(b), is amended by inserting after the item relating to section 304C the following new item:

''Sec. 304D. Contractor share of gains and losses from cost, schedule, and performance experience.''.

SEC. 840. PHASE FUNDING OF DEFENSE ACQUISITION PROGRAMS.

Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2221. Funding for results oriented acquisition program cycle

''Before initial funding is made available for the development, procurement, or operational phase of an acquisition program for which an authorization of appropriations is required by section 114 of this title, the Secretary of Defense shall submit to Congress information about the objectives and plans for the conduct of that phase and the funding requirements for the entire phase. The information shall identify the intended user of the system to be acquired under the program and shall include objective, quantifiable criteria for assessing the extent to which the objectives and goals determined pursuant to section 2435 of this title are achieved.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2221. Funding for results oriented acquisition program cycle.''.

SEC. 841. IMPROVED DEPARTMENT OF DEFENSE CONTRACT PAYMENT PROCEDURES.

(a) REVIEW AND IMPROVEMENT OF PROCEDURES.—The Comptroller General of the United States shall review commercial practices regarding accounts payable and, considering the results of the review, develop standards for the Secretary of Defense to consider using for improving the contract payment procedures and financial management systems of the Department of Defense.

(b) GAO REPORT.—Not later than September 30, 1996, the Comptroller General shall submit to Congress a report containing the following matters:

(1) The weaknesses in the financial management processes of the Department of Defense.

(2) Deviations of the Department of Defense payment procedures and financial management systems from the standards developed pursuant to subsection (a), expressed quantitatively.

(3) The officials of the Department of Defense who are responsible for resolving the deviations.

SEC. 842. CONSIDERATION OF PAST PERFORMANCE IN ASSIGNMENT TO ACQUISITION POSITIONS.

(a) REQUIREMENT.—Section 1701(a) of title 10, United States Code, is amended by adding at the end the following: ''The policies and procedures shall provide that education and training in acquisition matters, and past performance of acquisition responsibilities, are major factors in the selection of personnel for assignment to acquisition positions in the Department of Defense.''.

(b) PERFORMANCE REQUIREMENTS FOR ASSIGNMENT.—(1) Section 1723(a) of title 10, United States Code, is amended by inserting '', including requirements relating to demonstrated past performance of acquisition duties,'' in the first sentence after ''experience requirements''.

(2) Section 1724(a)(2) of such title is amended by inserting before the semicolon at the end the following: ''and have demonstrated proficiency in the performance of acquisition duties in the contracting position or positions previously held''.

(3) Section 1735 of such title is amended—

(A) in subsection (b)—

(i) by striking out ''and'' at the end of paragraph (2);

(ii) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

(iii) by adding at the end the following:

''(4) must have demonstrated proficiency in the performance of acquisition duties.'';

(B) in subsection (c)—

(i) by striking out ''and'' at the end of paragraph (2);

(ii) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

(iii) by adding at the end the following:

''(4) must have demonstrated proficiency in the performance of acquisition duties.'';

(C) in subsection (d), by inserting before the period at the end the following: '', and have demonstrated proficiency in the performance of acquisition duties''; and

(D) in subsection (e), by inserting before the period at the end the following: '', and have demonstrated proficiency in the performance of acquisition duties''.

SEC. 843. VALUE ENGINEERING FOR FEDERAL AGENCIES.

(a) USE OF VALUE ENGINEERING.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 837, is further amended by adding at the end the following new section:

''SEC. 37. VALUE ENGINEERING.

''(a) IN GENERAL.—Each executive agency shall establish and maintain effective value engineering procedures and processes.

''(b) THRESHOLD.—The procedures and processes established pursuant to subsection (a) shall be applied to those programs, projects, systems, and products of an executive agency that, in a ranking of all programs, projects, systems, and products of the agency according to greatest dollar value, are within the highest 20th percentile.

''(c) DEFINITION.—As used in this section, the term 'value engineering' means a team effort, performed by qualified agency or contractor personnel, directed at analyzing the functions of a program, project, system, product, item of equipment, building, facility, service, or supply for the purpose of achieving the essential functions at the lowest life-cycle cost that is consistent with required or improved performance, reliability, quality, and safety.''.

(b) CLERICAL AMENDMENT.—The table of contents for such Act, contained in section 1(b), is amended by adding at the end the following new item:

''Sec. 37. Value engineering.''.

SEC. 844. ACQUISITION WORKFORCE.

(a) ACQUISITION WORKFORCE.—(1) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 843, is further amended by adding at the end the following new section:

''SEC. 38. ACQUISITION WORKFORCE.

''(a) APPLICABILITY.—This section does not apply to an executive agency that is subject to chapter 87 of title 10, United States Code.

''(b) MANAGEMENT POLICIES.—

''(1) POLICIES AND PROCEDURES.—The head of each executive agency, after consultation with the Administrator for Federal Procurement Policy, shall establish policies and procedures for the effective management (including accession, education, training, career development, and performance incentives) of the acquisition workforce of the agency. The development of acquisition workforce policies under this section shall be carried out consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code.

''(2) UNIFORM IMPLEMENTATION.—The head of each executive agency shall ensure that, to the maximum extent practicable, acquisition workforce policies and procedures established are uniform in their implementation throughout the agency.

''(3) GOVERNMENTWIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall coordinate with the Deputy Director for Management of the Office of Management and Budget to ensure that such policies are consistent with the policies and procedures established and enhanced system of incentives provided pursuant to section 5051(c) of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 263 note). The Administrator shall evaluate the implementation of the provisions of this section by executive agencies.

''(c) SENIOR PROCUREMENT EXECUTIVE AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an executive agency, the senior procurement executive of the agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of this section. The senior procurement executive shall ensure that the policies of the head of the executive agency established in accordance with this section are implemented throughout the agency.

''(d) MANAGEMENT INFORMATION SYSTEMS.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition workforce related to implementation of this section. To the maximum extent practicable, such data requirements shall conform to standards established by the Office of Personnel Management for the Central Personnel Data File.

''(e) ACQUISITION WORKFORCE.—The programs established by this section shall apply to all employees in the General Schedule Contracting series (GS–1102) and the General Schedule Purchasing series (GS–1105), and to any employees regardless of series who have been appointed as contracting officers whose authority exceeds the micro-purchase threshold, as that term is defined in section 32(g). The head of each executive agency may include employees in other series who perform acquisition or acquisition-related functions.

''(f) CAREER DEVELOPMENT.—

''(1) CAREER PATHS.—The head of each executive agency shall ensure that appropriate

career paths for personnel who desire to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior acquisition positions. The head of each executive agency shall make information available on such career paths.

''(2) CRITICAL DUTIES AND TASKS.—For each career path, the head of each executive agency shall identify the critical acquisition-related duties and tasks in which, at minimum, employees of the agency in the career path shall be competent to perform at full performance grade levels. For this purpose, the head of the executive agency shall provide appropriate coverage of the critical duties and tasks identified by the Director of the Federal Acquisition Institute.

''(3) MANDATORY TRAINING AND EDUCATION.—For each career path, the head of each executive agency shall establish requirements for the completion of course work and related on-the-job training in the critical acquisition-related duties and tasks of the career path. The head of each executive agency shall also encourage employees to maintain the currency of their acquisition knowledge and generally enhance their knowledge of related acquisition management disciplines through academic programs and other self-developmental activities.

''(4) PERFORMANCE INCENTIVES.—The head of each executive agency, acting through the senior procurement executive for the agency, shall provide for an enhanced system of incentives for the encouragement of excellence in the acquisition workforce which rewards performance of employees that contribute to achieving the agency's performance goals. The system of incentives shall include provisions that—

''(A) relate pay to performance;

''(B) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel contributed to achieving the agency's performance goals; and

''(C) provide pay and promotion incentives to be awarded, and unfavorable personnel actions to be imposed, under the system on the basis of the contributions of personnel to achieving the agency's performance goals.

''(g) QUALIFICATION REQUIREMENTS.—

''(1) GENERAL SCHEDULE CONTRACTING SERIES (GS–1102).—

''(A) ENTRY LEVEL QUALIFICATIONS.—The Director of the Office of Personnel Management shall require that, after October 1, 1996, a person may not be appointed to a position in the GS–1102 occupational series unless the person—

''(i) has received a baccalaureate degree from an accredited educational institution authorized to grant baccalaureate degrees,

''(ii) has completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education in any of the following disciplines: accounting, business finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management, or

''(iii) has passed a written test determined by the Administrator for Federal Procurement Policy, after consultation with the Director of the Office of Personnel Management, to demonstrate the judgmental skills necessary for positions in this series.

''(B) QUALIFICATIONS FOR SENIOR CONTRACTING POSITIONS.—The Director of the Office of Personnel Management shall require that, after October 1, 1996, persons may be appointed to positions at and above full performance grade levels in the GS–1102 occupational series only if those persons—

''(i) have satisfied the educational requirement either of subsection (g)(1)(A)(i) or subsection (g)(1)(A)(ii),

''(ii) have successfully completed all training required for the position under subsection (f)(3), and

''(iii) have satisfied experience and other requirements established by the Director for such positions.

However, this requirement shall apply to persons employed on October 1, 1996, in GS–1102 positions at those grade levels only as a prerequisite for promotion to a GS–1102 position at a higher grade.

''(2) GENERAL SCHEDULE PURCHASING SERIES (GS–1105).—The Director of the Office of Personnel Management shall require that, after October 1, 1996, a person may not be appointed to a position in the GS–1105 occupational series unless the person—

''(A) has successfully completed 2 years of course work from an accredited educational institution authorized to grant degrees, or

''(B) has passed a written test determined by the Administrator for Federal Procurement Policy, after consultation with the Director of the Office of Personnel Management, to demonstrate the judgmental skills necessary for positions in this series.

''(3) CONTRACTING OFFICERS.—The head of each executive agency shall require that, beginning after October 1, 1996, a person may be appointed as a contracting officer with authority to award or administer contracts for amounts above the micro-purchase threshold, as that term is defined in section 32(g), only if the person—

''(A) has successfully completed all mandatory training required of an employee in an equivalent GS–1102 or 1105 position under subsection (f)(3); and

''(B) meets experience and other requirements established by the head of the agency, based on the dollar value and complexity of the contracts that the employee will be authorized to award or administer under the appointment as a contracting officer.

''(4) EXCEPTIONS.—(A) The requirements set forth in subsection (g)(1) and (2), as applicable, shall not apply to any person employed in the GS–1101 or GS–1105 series on October 1, 1996.

''(B) Employees of an executive agency who do not satisfy the full qualification requirements for appointment as a contracting officer under subsection (g)(3) may be appointed as a contracting officer for a temporary period of time under procedures established by the agency head. The procedures shall—

''(i) require that the person have completed a significant portion of the required training,

''(ii) require a plan be established for the balance of the required training,

''(iii) specify a period of time for completion of the training, and

''(iv) include provisions for withdrawing or terminating the appointment prior to the scheduled expiration date, where appropriate.

''(5) WAIVER.—The senior procurement executive for an executive agency may waive any or all of the qualification requirements of subsections (g)(1) and (2) for a person if the person possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated job performance and qualifying experience. This authority may not be redelegated by the senior procurement executive. With respect to each waiver granted under this subsection, the senior procurement executive shall set forth in writing the rationale for the decision to waive such requirements.

''(h) PROGRAM ESTABLISHMENT AND IMPLEMENTATION.—

''(1) FUNDING LEVELS.—(A) The head of an executive agency shall request in the budget for a fiscal year for the agency—

''(i) for education and training under this section, an amount equal to no less than 2.5 percent of the base aggregate salary cost of the acquisition workforce subject to this section for that fiscal year; and

''(ii) for salaries of the acquisition workforce, an amount equal to no more than 97.5 percent of such base aggregate salary cost.

''(B) The head of the executive agency shall set forth separately the funding levels requested in the budget justification documents submitted in support of the President's budget submitted to Congress under section 1105 of title 31, United States Code.

''(C) Funds appropriated for education and training under this section may not be obligated or used for any other purpose.

''(2) INTERAGENCY AGREEMENTS.—The head of an executive agency may enter into a written agreement with another agency to participate in programs established under this section on a reimbursable basis.

''(3) TUITION ASSISTANCE.—Notwithstanding the prohibition in section 4107(b) of title 5, United States Code, the head of each executive agency may provide for tuition reimbursement and education (including a full-time course of study leading to a degree) for acquisition personnel in the agency related to the purposes of this section.

''(4) INTERN PROGRAMS.—The head of each executive agency may establish intern programs in order to recruit highly qualified and talented individuals and provide them with opportunities for accelerated promotions, career broadening assignments, and specified training for advancement to senior acquisition positions. For such programs, the head of an executive agency, without regard to the provisions of title 5, United States Code, may appoint individuals to competitive GS–5, GS–7, or GS–9 positions in the General Schedule Contracting series (GS–1102) who have graduated from baccalaureate or master's programs in purchasing or contracting from accredited educational institutions authorized to grant baccalaureate and master's degrees.

''(5) COOPERATIVE EDUCATION PROGRAM.—The head of each executive agency may establish an agencywide cooperative education credit program for acquisition positions. Under the program, the head of the executive agency may enter into cooperative arrangements with one or more accredited institutions of higher education which provide for such institutions to grant undergraduate credit for work performed in such position.

''(6) SCHOLARSHIP PROGRAM.—

''(A) ESTABLISHMENT.—Where deemed appropriate, the head of each executive agency may establish a scholarship program for the purpose of qualifying individuals for acquisition positions in the agency.

''(B) ELIGIBILITY.—To be eligible to participate in a scholarship program established under this paragraph by an executive agency, an individual must—

''(i) be accepted for enrollment or be currently enrolled as a full-time student at an accredited educational institution authorized to grant baccalaureate or graduate degrees (as appropriate);

''(ii) be pursuing a course of education that leads toward completion of a bachelor's, master's, or doctor's degree (as appropriate) in a qualifying field of study, as determined by the head of the agency;

''(iii) sign an agreement described in subparagraph (C) under which the participant agrees to serve a period of obligated service in the agency in an acquisition position in return for payment of educational assistance as provided in the agreement; and

''(iv) meet such other requirements as the head of the agency prescribes.

''(C) AGREEMENT.—An agreement between the head of an executive agency and a participant in a scholarship program established under this paragraph shall be in writing, shall be signed by the participant, and shall include the following provisions:

''(i) The agreement of the head of the agency to provide the participant with educational assistance for a specified number of school years, not to exceed 4, during which the participant is pursuing a course of education in a qualifying field of study. The assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

''(ii) The participant's agreement—

''(I) to accept such educational assistance,

''(II) to maintain enrollment and attendance in the course of education until completed,

''(III) while enrolled in such course, to maintain an acceptable level of academic standing (as prescribed by the head of the agency), and

''(IV) after completion of the course of education, to serve as a full-time employee in an acquisition position in the agency for a period of time of one calendar year for each school year or part thereof for which the participant was provided a scholarship under the program.

''(D) REPAYMENT.—(i) Any person participating in a program established under this paragraph shall agree to pay to the United States the total amount of educational assistance provided to the person under the program if the person is voluntarily separated from the agency or involuntarily separated for cause from the agency before the end of the period for which the person has agreed to continue in the service of the agency in an acquisition position.

''(ii) If an employee fails to fulfill the agreement to pay to the Government the total amount of educational assistance provided to the person under the program, a sum equal to the amount of the educational assistance may be recovered by the Government from the employee (or the estate of the employee) by setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and by such other method as is provided by law for the recovery of amounts owing to the Government.

''(iii) The head of an executive agency may waive in whole or in part a repayment required under this paragraph if the head of the agency determines the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(E) TERMINATION OF AGREEMENT.—There shall be no requirement that a position be offered to a person after such person successfully completes a course of education required by an agreement under this paragraph. If no position is offered, the agreement shall be considered terminated.''.

(2) The table of contents for such Act, contained in section 1(b), is amended by adding at the end the following new item:

''Sec. 38. Acquisition workforce.''.

(b) FEDERAL ACQUISITION INSTITUTE.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405), is amended—

(1) in subsection (d) by amending paragraph (5) to read as follows:

''(5) providing for and directing the activities of the Federal Acquisition Institute (including recommending to the Administrator of General Services a sufficient budget for such activities), which shall be located in the General Services Administration;''; and

(2) by adding at the end the following new subsection:

''(l) The Federal Acquisition Institute shall—

''(1) recommend policies, procedures, and guidelines to the Administrator, for—

''(A) fostering and promoting the development of a professional acquisition workforce governmentwide, and

''(B) administering the provisions of section 35;

''(2) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

''(3) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

''(4) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

''(5) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

''(6) evaluate the effectiveness of training and career development programs for acquisition personnel;

''(7) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

''(8) promote, coordinate, or conduct governmentwide research and studies to improve the acquisition process and the laws, policies, methods, regulations, procedures, and forms relating to acquisition by the executive agencies;

''(9) facilitate, to the extent requested by agencies, interagency intern and training programs; and

''(10) perform other career management or research functions as directed by the Administrator.''.

(c) REPEAL OF SUPERSEDED PROVISION.—Section 502 of the Small Business and Federal Procurement Competition Enhancement Act of 1984 (41 U.S.C. 414a) is repealed.

Subtitle D—Streamlining of Dispute Resolution

PART I—GENERAL PROVISIONS

SEC. 850. DEFINITIONS.

In this subtitle:

(1) The term ''Board'' means the United States Board of Contract Appeals.

(2) The term ''Board judge'' means a member of the United States Board of Contract Appeals.

(3) The term ''Chairman'' means the Chairman of the United States Board of Contract Appeals.

(4) The term ''executive agency'' has the meaning given by section 2(2) of the Contract Disputes Act of 1978 (41 U.S.C. 601(2)).

(5) The term ''alternative means of dispute resolution'' has the meaning given by section 571(3) of title 5, United States Code.

(6) The term ''protest'' means a written objection by an interested party to any of the following:

(A) A solicitation or other request by an executive agency for offers for a contract for the procurement of property or services.

(B) The cancellation of such a solicitation or other request.

(C) An award or proposed award of such a contract.

(D) A termination or cancellation of an award of such a contract, if the written objection contains an allegation that the termination or cancellation is based in whole or in part on improprieties concerning the award of the contract.

(7) The term ''interested party'', with respect to a contract or a solicitation or other request for offers, means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract.

(8) The term ''prevailing party'', with respect to a determination of the Board under section 864(b) that a decision of a contracting officer violates a statute or regulation, means a party that demonstrated such violation.

PART II—ESTABLISHMENT OF THE UNITED STATES BOARD OF CONTRACT APPEALS

SEC. 851. ESTABLISHMENT.

There is established in the executive branch of the Government an independent establishment to be known as the United States Board of Contract Appeals.

SEC. 852. MEMBERSHIP.

(a) APPOINTMENT.—(1) The Board shall consist of Board judges appointed by the Chairman, without regard to political affiliation and solely on the basis of the professional qualifications required to perform the duties and responsibilities of a Board judge, from a register of applicants maintained by the Board.

(2) The members of the Board shall be selected and appointed to serve in the same manner as administrative law judges appointed pursuant to section 3105 of title 5, United States Code, with an additional requirement that such members shall have had not fewer than five years' experience in public contract law.

(3) Notwithstanding paragraph (2) and subject to subsection (b), the following persons shall serve as Board judges:

(A) Any full-time member of an agency board of contract appeals serving as such on the day before the effective date of this subtitle.

(B) Any person serving on the day before the date of the enactment of this Act in a position at a level of assistant general counsel or higher with authority delegated from the Comptroller General to decide bid protests under subchapter V of chapter 35 of title 31, United States Code.

(b) REMOVAL.—Members of the Board shall be subject to removal in the same manner as administrative law judges, as provided in section 7521 of title 5, United States Code.

(c) COMPENSATION.—Compensation for the Chairman and all other members of the Board shall be determined under section 5273a of title 5, United States Code.

SEC. 853. CHAIRMAN.

(a) DESIGNATION.—(1) The Chairman shall be designated by the President to serve for a term of five years. The President shall select the Chairman from among sitting Board judges each of whom has had at least five years of service—

(A) as a member of an agency board of contract appeals; or

(B) in a position at a level of assistant general counsel or higher with authority delegated from the Comptroller General to decide bid protests under subchapter V of chapter 35 of title 31, United States Code (as in effect on the day before the effective date of this subtitle).

(2) A Chairman may continue to serve after the expiration of the Chairman's term until a successor has taken office. A Chairman may be reappointed any number of times.

(b) RESPONSIBILITIES.—The Chairman shall be responsible on behalf of the Board for the executive and administrative operation of the Board, including functions of the Board with respect to the following:

(1) The selection, appointment, and fixing of the compensation of such personnel, pursuant to part III of title 5, United States Code, as the Chairman considers necessary or appropriate, including a Clerk of the Board, a General Counsel, and clerical and legal assistance for Board judges.

(2) The supervision of personnel employed by or assigned to the Board, and the distribution of work among such personnel.

(3) The response to any request that may be made by Congress or the Office of Management and Budget.

(4) The allocation of funds among the various functions of the Board.

(5) The entering into and performance of such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and the making of such payments, as the Chairman considers necessary or appropriate to carry out functions vested in the Board.

(6) The operation of an Office of the Clerk of the Board, including the receipt of all filings made with the Board, the assignment of cases, and the maintenance of all records of the Board.

(7) The acquisition, operation, and maintenance of such automatic data processing resources as may be needed by the Board.

(8) The prescription of such rules and regulations as the Chairman considers necessary or appropriate for the administration and management of the Board.

(c) VICE CHAIRMEN.—The Chairman may designate up to four other Board judges as Vice Chairmen. The Chairman may divide the Board into two or more divisions, and, if such division is made, shall assign a Vice Chairman to head each division. The Vice Chairmen, in the order designated by the Chairman, shall act in the place and stead of the Chairman during the absence of the Chairman.

SEC. 854. RULEMAKING AUTHORITY.

(a) IN GENERAL.—The Board may establish—

(1) such procedural rules and regulations as are necessary to the exercise of its functions, including internal rules for the assignment of cases; and

(2) statements of policy of general applicability with respect to its functions.

(b) PROHIBITION ON REVIEW BY OTHER AGENCY OR PERSON.—Rules and regulations established by the Board (including forms which are a part thereof) shall not be subject to review by any other agency or person (including the Administrator of Information and Regulatory Affairs, pursuant to chapter 35 of title 44, United States Code) in advance of publication.

SEC. 855. LITIGATION AUTHORITY.

Except as provided in section 518 of title 28, United States Code, relating to litigation before the Supreme Court, attorneys designated by the Chairman may appear for, and represent the Board in, any civil action brought in connection with any function carried out by the Board.

SEC. 856. SEAL OF BOARD.

The Chairman shall cause a seal of office to be made for the Board of such design as the Board shall approve. Judicial notice shall be taken of such seal.

SEC. 857. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1997 and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this subtitle and to enable the Board to perform its functions. Funds appropriate pursuant to this section shall remain available until expended.

PART III—FUNCTIONS OF UNITED STATES BOARD OF CONTRACT APPEALS

SEC. 861. ALTERNATIVE DISPUTE RESOLUTION SERVICES.

(a) REQUIREMENT TO PROVIDE SERVICES UPON REQUEST.—The Board shall provide alternative means of dispute resolution for any disagreement regarding a contract or prospective contract of an executive agency upon the request of all parties to the disagreement.

(b) PERSONNEL QUALIFIED TO ACT.—Each Board judge and each attorney employed by the Board shall be considered to be qualified to act for the purpose of conducting alternative means of dispute resolution under this section.

(c) SERVICES TO BE PROVIDED WITHOUT CHARGE.—Any services provided by the Board or any Board judge or employee pursuant to this section shall be provided without charge.

(d) RECUSAL OF CERTAIN PERSONNEL UPON REQUEST.—In the event that a matter which is presented to the Board for alternative means of dispute resolution, pursuant to this section, later becomes the subject of formal proceedings before the Board, any Board judge or employee who was involved in the alternative means shall, if requested by any party to the formal proceeding, take no part in that proceeding.

SEC. 862. ALTERNATIVE DISPUTE RESOLUTION OF DISPUTES AND PROTESTS SUBMITTED TO BOARD.

With reasonable promptness after the submission to the Board of a contract dispute under section 863 or a bid protest under section 864, a Board judge to whom the contract dispute or protest is assigned shall request the parties to meet with a Board judge, or an attorney employed by the Board, for the purpose of attempting to resolve the dispute or protest through alternative means of dispute resolution. Formal proceedings in the appeal shall then be suspended until such time as any party or a Board judge to whom the dispute or protest is assigned determines that alternative means of dispute resolution are not appropriate for resolution of the dispute or protest.

SEC. 863. CONTRACT DISPUTES.

The Board shall have jurisdiction as provided by section 8(a) of the Contract Disputes Act of 1978 (41 U.S.C. 601–613).

SEC. 864. PROTESTS.

(a) REVIEW REQUIRED UPON REQUEST.—Upon request of an interested party in connection with any procurement conducted by any executive agency, the Board shall review, as provided in this section, any decision by a contracting officer alleged to violate a statute or regulation. The authority of the Board to conduct such review shall include the authority to review regulations to determine their consistency with applicable statutes. A decision or order of the Board pursuant to this section shall not be subject to interlocutory appeal or review.

(b) STANDARD OF REVIEW.—In deciding a protest, the Board may consider all evidence that is relevant to the decision under protest. It shall accord a presumption of correctness to all facts found and determinations made by the contracting officer whose decision is being protested. The protester may rebut this presumption by showing, by a preponderance of the evidence, that a finding or determination was incorrect. The Board may find that a decision by a contracting officer violates a statute or regulation for any of the reasons stated in section 706(2) of title 5, United States Code.

(c) DETERMINATION OF WHETHER TO SUSPEND AUTHORITY TO CONDUCT PROCUREMENT IN PROTEST FILED BEFORE CONTRACT AWARD.—(1) When a protest under this section is filed before the award of a contract in a protested procurement, the Board, at the request of an interested party and within 10 days after the submission of the protest, shall hold a hearing to determine whether the Board should suspend the authority of the executive agency involved (or its head) to conduct such procurement until the Board can decide the protest.

(2) The Board shall suspend the authority of the executive agency (or its head) unless the agency concerned establishes that—

(A) absent action by the Board, contract award is likely to occur within 30 days after the hearing; and

(B) urgent and compelling circumstances which significantly affect interests of the United States will not permit waiting for the decision of the Board.

(3) A suspension under paragraph (2) shall not preclude the executive agency concerned from continuing the procurement process up to but not including award of the contract unless the Board determines such action is not in the best interests of the United States.

(d) DETERMINATION OF WHETHER TO SUSPEND AUTHORITY TO CONDUCT PROCUREMENT IN PROTEST FILED AFTER CONTRACT AWARD.—(1) If, with respect to an award of a contract, the Board receives notice of a protest under this section within the period described in paragraph (2), the Board shall, at the request of an interested party, hold a hearing to determine whether the Board should suspend the authority of the executive agency involved (or its head) to conduct such procurement until the Board can decide the protest.

(2) The period referred to in paragraph (1) is the period beginning on the date on which the contract is awarded and ending at the end of the later of—

(A) the tenth day after the date of contract award; or

(B) the fifth day after the debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required.

(3) The Board shall hold the requested hearing within 5 days after the date of the filing of the protest or, in the case of a request for debriefing, within 5 days after the later of the date of the filing of the protest or the date of the debriefing.

(4) The Board shall suspend the procurement authority of the executive agency involved (or its head) to acquire any goods or services under the contract which are not previously delivered and accepted unless such agency establishes that urgent and compelling circumstances which significantly affect interests of the United States will not permit waiting for the decision of the Board.

(e) PROCEDURES.—

(1) PROCEEDINGS AND DISCOVERY.—The Board shall conduct proceedings and allow such discovery as may be required for the expeditious, fair, and reasonable resolution of the protest. The Board shall limit discovery to material which is relevant to the grounds of protest or to such affirmative defenses as the executive agency involved, or any intervenor supporting the agency, may raise.

(2) PRIORITY.—The Board shall give priority to protests filed under this section over contract disputes and alternative dispute services. Except as provided in paragraph (3), the Board shall issue its final decision within 65 days after the date of the filing of the protest, unless the Chairman determines that the specific and unique circumstances of the protest require a longer period, in which case the Board shall issue such decision within the longer period determined by the Chairman. An amendment that adds a new ground of protest should be resolved, to the maximum extent practicable, within the time limits established for resolution of the initial protest.

(3) THRESHOLD.—Any protest in which the anticipated value of the contract award that will result from the protested procurement, as estimated by the executive agency involved, is less than $1,000,000 shall be considered under simplified rules of procedure. These rules shall provide that discovery in

such protests shall be in writing only. Such protests shall be decided by a single Board judge, whose decision shall be final and conclusive and shall not be set aside except in cases of fraud. The Board shall issue its final decision in each such protest within 35 days after the date of the filing of the protest.

(4) CALCULATION OF TIME FOR ADR.—In calculating time for purposes of paragraph (2) or (3) of this subsection, any days during which proceedings are suspended for the purpose of attempting to resolve the protest by alternative means of dispute resolution, up to a maximum of 20 days, shall not be counted.

(5) DISMISSAL OF FRIVOLOUS PROTESTS.—The Board may dismiss a protest that the Board determines is frivolous or which, on its face, does not state a valid basis for protest.

(6) PAYMENT OF COSTS FOR FRIVOLOUS PROTESTS.—(A) If the Board expressly finds that a protest or a portion of a protest is frivolous or does not state on its face a valid basis for protest, the Board shall declare that the protester or other interested party who joins the protest is liable to the United States for payment of the costs described in subparagraph (B) unless—

(i) special circumstances would make such payment unjust; or

(ii) the protester obtains documents or other information after the protest is filed with the Board that establishes that the protest or a portion of the protest is frivolous or does not state on its face a valid basis for protest, and the protester then promptly withdraws the protest or portion of the protest.

(B) The costs referred to in subparagraph (A) are all of the costs incurred by the United States of reviewing the protest, or of reviewing that portion of the protest for which the finding is made, including the fees and other expenses (as defined in section 2412(d)(2)(A) of title 28, United States Code) incurred by the United States in defending the protest.

(f) DECISIONS AND CORRECTIVE ACTIONS ON PROTESTS.—(1) In making a decision on protests filed under this section, the Board shall accord due weight to the goals of economic and efficient procurement, and shall take due account of the rule of prejudicial error.

(2) If the Board determines that a decision of a contracting officer violates a statute or regulation, the Board may order the agency (or its head) to take such corrective action as the Board considers appropriate. Corrective action includes requiring that the Federal agency—

(A) refrain from exercising any of its options under the contract;

(B) recompete the contract immediately;

(C) issue a new solicitation;

(D) terminate the contract;

(E) award a contract consistent with the requirements of such statute and regulation;

(F) implement any combination of requirements under subparagraphs (A), (B), (C), (D), and (E); or

(G) implement such other actions as the Board determines necessary.

(3) If the Board orders corrective action after the contract award, the affected contract shall be presumed valid as to all goods or services delivered and accepted under the contract before the corrective action was ordered.

(4) Any agreement that provides for the dismissal of a protest and involves a direct or indirect expenditure of appropriated funds shall be submitted to the Board and shall be made a part of the public record (subject to any protective order considered appropriate by the Board) before dismissal of the protest.

(g) AUTHORITY TO DECLARE ENTITLEMENT TO COSTS.—(1)(A) Whenever the Board determines that a decision of a contracting officer violates a statute or regulation, it may, in accordance with section 1304 of title 31, United States Code, further declare an appropriate prevailing party to be entitled to the costs of—

(i) filing and pursuing the protest, including reasonable attorneys' fees and consultant and expert witness fees, and

(ii) bid and proposal preparation.

(B) No party (other than a small business concern (within the meaning of section 3(a) of the Small Business Act)) may be declared entitled under this paragraph to costs for—

(i) consultants and expert witness fees that exceed the highest rate of compensation for expert witnesses paid by the Federal Government, or

(ii) attorneys' fees that exceed $150 per hour unless the Board, on a case by case basis, determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(2) Payment of amounts due from an agency under paragraph (1) or under the terms of a settlement agreement under subsection (e)(4) shall be made from the appropriation made by section 1304 of title 31, United States Code, for the payment of judgments. The executive agency concerned shall reimburse that appropriation account out of funds available for the procurement.

(h) APPEALS.—Except as provided in subsection (e)(3), a final decision of the Board may be appealed as set forth in section 8(d)(1) of the Contract Disputes Act of 1978 by the head of the executive agency concerned and by any interested party, including interested parties who intervene in any protest filed under this section.

(i) ADDITIONAL RELIEF.—Nothing contained in this section shall affect the power of the Board to order any additional relief which it is authorized to provide under any statute or regulation.

(j) NONEXCLUSIVITY OF REMEDIES.—Nothing contained in this section shall affect the right of any interested party to file a protest with the contracting agency or to file an action in the United States Court of Federal Claims or in a United States district court.

SEC. 865. APPLICABILITY TO CONTRACTS FOR COMMERCIAL ITEMS.

Notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430), the authority conferred on the Board by this subtitle is applicable to contracts for the procurement of commercial items.

PART IV—REPEAL OF OTHER STATUTES AUTHORIZING ADMINISTRATIVE PROTESTS

SEC. 871. REPEALS.

(a) GSBCA PROVISIONS.—Subsection (f) of the Brooks Automatic Data Processing Act (section 111 of the Federal Property and Administrative Services Act of 1949; 40 U.S.C. 759) is repealed.

(b) GAO PROVISIONS.—Subchapter V of chapter 35 of title 31, United States Code (31 U.S.C. 3551-3556) is repealed.

PART V—TRANSFERS AND TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

SEC. 881. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) TRANSFER.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions vested by law in the Comptroller General pursuant to subchapter V of chapter 35 of title 31, United States Code, and in the boards of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before the effective date of this Act), shall be transferred to the Board for appropriate allocation by the Chairman.

(b) EFFECT ON PERSONNEL.—Personnel transferred pursuant to this subtitle shall not be separated or reduced in compensation for one year after such transfer, except for cause.

(c) REGULATIONS.—(1) The Board shall prescribe regulations for the release of competing employees in a reduction in force that gives due effect to—

(A) efficiency or performance ratings;

(B) military preference; and

(C) tenure of employment.

(2) In prescribing the regulations, the Board shall provide for military preference in the same manner as set forth in subchapter I of chapter 35 of title 5, United States Code.

SEC. 882. TERMINATIONS AND SAVINGS PROVISIONS.

(a) TERMINATION OF BOARDS OF CONTRACT APPEALS.—On the effective date of this subtitle, the boards of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before the effective date of this Act) shall terminate.

(b) SAVINGS PROVISION FOR CONTRACT DISPUTE MATTERS PENDING BEFORE BOARDS.—The provisions of this subtitle shall not affect any proceedings (other than bid protests pending before the board of contract appeals of the General Services Administration) pending on the effective date of this Act before any board of contract appeals described in subsection (a). Such proceedings shall be continued by the Board, and orders which were issued in any such proceeding by any board of contract appeals shall continue in effect until modified, terminated, superseded, or revoked by the Board, by a court of competent jurisdiction, or by operation of law.

(c) BID PROTEST TRANSITION PROVISIONS.—(1) No protest may be submitted to the Comptroller General pursuant to section 3553(a) of title 31, United States Code, or to the board of contract appeals for the General Services Administration pursuant to the Brooks Automatic Data Processing Act (40 U.S.C. 759) on or after the effective date of this Act.

(2) The provisions repealed by section 871 shall continue to apply to proceedings pending on the effective date of this subtitle before the board of contract appeals of the General Services Administration and the Comptroller General pursuant to those provisions, until the board or the Comptroller General determines such proceedings have been completed.

SEC. 883. CONTRACT DISPUTE AUTHORITY OF BOARD.

(a) Section 2 of the Contract Disputes Act of 1978 (41 U.S.C. 601) is amended by striking out paragraph (6) and inserting in lieu thereof the following:

''(6) the term 'Board' means the United States Board of Contract Appeals; and''.

(b) Section 6(c) of the Contract Disputes Act of 1978 (41 U.S.C. 605(c)) is amended—

(1) in paragraph (4)—

(A) by striking out ''the agency board of contract appeals'' and inserting in lieu thereof ''the United States Board of Contract Appeals''; and

(B) by striking out ''the board'' and inserting in lieu thereof ''the Board''; and

(2) in paragraph (6)—

(A) by striking out ''an agency board of contract appeals'' and inserting in lieu thereof ''the United States Board of Contract Appeals''; and

(B) by striking out ''agency board'' and inserting in lieu thereof ''the Board''.

(c) Section 7 of the Contract Disputes Act of 1978 (41 U.S.C. 606) is amended by striking out ''an agency board of contract appeals'' and inserting in lieu thereof ''the United States Board of Contract Appeals''.

(d) Section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) is amended—

(1) by amending the heading to read as follows:

''UNITED STATES BOARD OF CONTRACT APPEALS'';

(2) by striking out subsections (a), (b), and (c);

(3) in subsection (d)—

(A) by striking out the first sentence and inserting in lieu thereof the following:

''The United States Board of Contract Appeals shall have jurisdiction to decide any appeal from a decision of a contracting officer of any executive agency relative to a contract made by that agency.''; and

(B) in the second sentence, by striking out ''the agency board'' and inserting in lieu thereof ''the Board'';

(4) in subsection (e), by striking out ''An agency board'' and inserting in lieu thereof ''The United States Board of Contract Appeals'';

(5) in subsection (f), by striking out ''each agency board'' and inserting in lieu thereof ''the United States Board of Contract Appeals'';

(6) in subsection (g)—

(A) in the first sentence of paragraph (1), by striking out ''an agency board of contract appeals'' and inserting in lieu thereof ''the United States Board of Contract Appeals'';

(B) by striking out paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(7) by striking out subsections (h) and (i); and

(8) by redesignating subsections (d), (e), (f), and (g) (as amended) as subsections (a), (b), (c), and (d), respectively.

(e) Section 9 of the Contract Disputes Act of 1978 (41 U.S.C. 608) is amended—

(1) in subsection (a), by striking out ''each agency board'' and inserting in lieu thereof ''the United States Board of Contract Appeals''; and

(2) in subsection (b), by striking out ''the agency board'' and inserting in lieu thereof ''the Board''.

(f) Section 10 of the Contract Disputes Act of 1978 (41 U.S.C. 609) is amended—

(1) in subsection (a)—

(A) in the first sentence of paragraph (1)—

(i) by striking out ''Except as provided in paragraph (2), and in'' and inserting in lieu thereof ''In''; and

(ii) by striking out ''an agency board'' and inserting in lieu thereof ''the United States Board of Contract Appeals'';

(B) by striking out paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2), and in that paragraph, by striking out ''or (2)'';

(2) in subsection (b), by striking out ''any agency board'' and ''the agency board'' and inserting in lieu of each ''the Board'';

(3) in subsection (c), by striking out ''an agency board'' and ''the agency board'' and inserting in lieu of each ''the Board''; and

(4) in subsection (d), by striking out ''one or more agency boards'' and ''or among the agency boards involved'' and inserting in lieu of each ''the Board''.

(g) Section 11 of the Contract Disputes Act of 1978 (41 U.S.C. 610) is amended—

(1) in the first sentence, by striking out ''an agency board of contract appeals'' and inserting in lieu thereof ''the United States Board of Contract Appeals''; and

(2) in the second sentence, by striking out ''the agency board through the Attorney General; or upon application by the board of contract appeals of the Tennessee Valley Authority'' and inserting in lieu thereof ''the Board''.

(h) Section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) is amended—

(1) in subsection (b), by striking out ''an agency board of contract appeals'' and inserting in lieu thereof ''the United States Board of Contract Appeals''; and

(2) in subsection (d)(2), by striking out ''by the board of contract appeals for'' and inserting in lieu thereof ''by the Board from''.

SEC. 884. REFERENCES TO AGENCY BOARDS OF CONTRACT APPEALS.

Any reference to an agency board of contract appeals in any provision of law or in any rule, regulation, or other paper of the United States shall be treated as referring to the United States Board of Contract Appeals.

SEC. 885. CONFORMING AMENDMENTS.

(a) TITLE 5.—Section 5372a of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking out ''an agency board of contract appeals appointed under section 8 of the Contract Disputes Act of 1978'' and inserting in lieu thereof ''the United States Board of Contract Appeals'';

(2) in subsection (a)(2), by striking out ''an agency board of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978'' and inserting in lieu thereof ''the United States Board of Contract Appeals''; and

(3) in subsection (b), by striking out ''an appeals board'' each place it appears and inserting in lieu thereof ''the appeals board''.

(b) TITLE 10.—(1) Section 2305(e) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking out ''subchapter V of chapter 35 of title 31'' and inserting in lieu thereof ''title IV of the Federal Acquisition Reform Act of 1995''; and

(B) by striking out paragraph (3).

(2) Section 2305(f) of such title is amended—

(A) in paragraph (1), by striking out ''in subparagraphs (A) through (F) of subsection (b)(1) of section 3554 of title 31'' and inserting in lieu thereof ''section 424(f)(2) of the Federal Acquisition Reform Act of 1995''; and

(B) in paragraph (2), by striking out ''paragraph (1) of section 3554(c) of title 31'' and inserting in lieu thereof ''section 424(g)(1)(A) of the Federal Acquisition Reform Act of 1995''.

(c) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—(1) Section 303B(h) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(h)) is amended—

(A) in paragraph (1), by striking out ''subchapter V of chapter 35 of title 31'' and inserting in lieu thereof ''title IV of the Federal Acquisition Reform Act of 1995''; and

(B) by striking out paragraph (3).

(2) Section 303B(i) of such Act (41 U.S.C. 253b(i)) is amended—

(A) in paragraph (1), by striking out ''in subparagraphs (A) through (F) of subsection (b)(1) of section 3554 of title 31'' and inserting in lieu thereof ''section 424(f)(2) of the Federal Acquisition Reform Act of 1995''; and

(B) in paragraph (2), by striking out ''paragraph (1) of section 3554(c) of title 31'' and inserting in lieu thereof ''section 424(g)(1)(A) of the Federal Acquisition Reform Act of 1995''.

PART VI—EFFECTIVE DATE; INTERIM APPOINTMENT AND RULES

SEC. 891. EFFECTIVE DATE.

This subtitle shall take effect on October 1, 1996.

SEC. 892. INTERIM APPOINTMENT.

The Board judge serving as chairman of the board of contract appeals of the General Services Administration on the date of the enactment of this Act shall serve as Chairman during the two-year period beginning on the effective date of this subtitle, unless such individual resigns such position or the position otherwise becomes vacant before the expiration of such period. The authority vested in the President by section 853 shall take effect upon the expiration of such two-year period or on the date such position is vacated, whichever occurs earlier.

SEC. 893. INTERIM RULES.

(a) RULES OF PROCEDURE.—Until such date as the Board promulgates rules of procedure, the rules of procedure of the board of contract appeals of the General Services Administration, as in effect on the effective date of this Act, shall be the rules of procedure of the Board.

(b) RULES REGARDING BOARD JUDGES.—Until such date as the Board promulgates rules governing the establishment and maintenance of a register of eligible applicants and the selection of Board judges, the rules of the Armed Services Board of Contract Appeals governing the establishment and maintenance of a register of eligible applicants and the selection of board members shall be the rules of the Board governing the establishment and maintenance of a register of eligible applicants and the selection of Board judges, except that any provisions of the rules of the Armed Services Board of Contract Appeals that authorize any individual other than the chairman of such board to select a Board judge shall have no effect.

Subtitle E—Effective Dates and Implementation

SEC. 895. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATE.—Except as otherwise provided in this title, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICABILITY OF AMENDMENTS.—(1) An amendment made by this title shall apply, in the manner prescribed in the final regulations promulgated pursuant to section 896 to implement such amendment, with respect to any solicitation that is issued, any unsolicited proposal that is received, and any contract entered into pursuant to such a solicitation or proposal, on or after the date described in paragraph (3).

(2) An amendment made by this title shall also apply, to the extent and in the manner prescribed in the final regulations promulgated pursuant to section 896 to implement such amendment, with respect to any matter related to—

(A) a contract that is in effect on the date described in paragraph (3);

(B) an offer under consideration on the date described in paragraph (3); or

(C) any other proceeding or action that is ongoing on the date described in paragraph (3).

(3) The date referred to in paragraphs (1) and (2) is the date specified in such final regulations. The date so specified shall be October 1, 1996, or any earlier date that is not within 30 days after the date on which such final regulations are published.

SEC. 896. IMPLEMENTING REGULATIONS.

(a) PROPOSED REVISIONS.—Proposed revisions to the Federal Acquisition Regulation and such other proposed regulations (or revisions to existing regulations) as may be necessary to implement this title shall be published in the Federal Register not later than 210 days after the date of the enactment of this Act.

(b) PUBLIC COMMENT.—The proposed regulations described in subsection (a) shall be made available for public comment for a period of not less than 60 days.

(c) FINAL REGULATIONS.—Final regulations shall be published in the Federal Register not later than 330 days after the date of enactment of this Act.

(d) MODIFICATIONS.—Final regulations promulgated pursuant to this section to implement an amendment made by this title may provide for modification of an existing contract without consideration upon the request of the contractor.

(e) SAVINGS PROVISIONS.—(1) Nothing in this title shall be construed to affect the validity of any action taken or any contract entered into before the date specified in the regulations pursuant to section 895(b)(3) except to the extent and in the manner prescribed in such regulations.

(2) Except as specifically provided in this title, nothing in this title shall be construed to require the renegotiation or modification of contracts in existence on the date of the enactment of this Act.

(3) Except as otherwise provided in this title, a law amended by this title shall continue to be applied according to the provisions thereof as such law was in effect on the day before the date of the enactment of this Act until—

(A) the date specified in final regulations implementing the amendment of that law (as promulgated pursuant to this section); or

(B) if no such date is specified in regulations, October 1, 1996.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. CLINGER] and a Member opposed will each be recognized for 20 minutes. Is the gentlewoman from Illinois [Mrs. COLLINS] opposed to the amendment?

Mrs. COLLINS of Illinois. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. I yield myself such time as I may consume.

Mr. Chairman, I rise to offer the Clinger-Spence-Kasich acquisition reform amendment to the National Defense Authorization Act for fiscal year 1996. This amendment would modernize and streamline the procurement procedures of the Department of Defense and the civilian agencies. It builds upon legislation enacted last year and represents a significant shift in the operation of our Federal procurement system to meet the needs of the American taxpayer.

This amendment has been developed from H.R. 1670, the Federal Acquisition Reform Act of 1995, a bill Mr. SPENCE and I, along with other members of our committees, have introduced. You have heard and may hear again that we are rushing through legislation that has had no hearings. This is simply not true. We held a hearing in February to solicit proposals for simplifying and streamlining the Federal procurement process. This was a followup to last year's Federal Acquisition Streamlining Act of 1994 [FASA], the bipartisan effort to reform the complex Federal procurement system.

During this hearing we were exposed to various proposals for reform—ranging from minor technical corrections to a complete overhaul of the system. During the last few months, Chairman SPENCE and I, in conjunction with other committee members, have poured over and carefully considered this wealth of ideas. This effort culminated in the introduction of H.R. 1670, which is a synthesis of all of those ideas, which I think distills those ideas and takes the best and in corporates it into this bill. Subsequent to the introduction of H.R. 1670, the Committee on Government Reform and Oversight and the Committee of National Security held an unprecedented joint hearing to solicit comments specifically on this legislation from many senior industry executives and government officials.

Further, I have been working with my ranking minority member, Mrs. COLLINS, to refine the Clinger-Spence-Kasich amendment to include, for the most part, five of the six amendments she and Mrs. MALONEY offered at the Rules Committee. I think these have substantially improved the bill. The amendment which we are offering today includes that language which came about as a result of those discussions and negotiations.

While we will continue to pursue H.R. 1670 through the traditional course, and I want to emphasize that we will continue to pursue this bill through the traditional course, and along those lines we have scheduled a markup in the Government Reform and Oversight Committee for June 21, next week, we are similarly committed however to pursuing this matter as part of the National Defense Authorization Act for fiscal year 1996.

This approach is not intended to short circuit the process or to preclude anybody from having their input into the ultimate process but it is intended simply to maximize our opportunities for enactment of a significant piece of Government reform by the end of this year. And I might say that the administration is supportive of these efforts to enhance and improve the procurement reforms we made last year.

□ 1040

Each year, our Government spends about $200 billion on goods and services, and that is a substantial amount of money, ranging from weapons systems to computer systems to everyday commodities. The current system costs too much, involves way too much redtape, and ill-serves both the taxpayer and industry.

In December 1994, a report prepared for the Secretary of Defense found that, on average, the Government pays an additional 18 percent on what it buys solely because of the requirements it imposes on its contractors. We have the most unbelievably heavy burden on our contractors. This confirmed the average estimate by major contractors surveyed by GAO that the additional costs incurred in selling to the Government are about 19 percent. While some of the Government's unique requirements certainly are needed, we do not dispute that we clearly are paying an enormous premium for them—billions of dollars annually, that we need not be spending.

And this is only part of the Government's inflated cost of doing business—for it includes only what is paid to contractors, not the cost of the Government's own administrative system. The Government's contracting officials are confronted with numerous mandates of their own, often amounting to step-by-step prescriptions that increase staff and equipment needs, and leave little room for the exercise of business judgment, initiative, and creativity. The Clinger-Spence-Kasich acquisition reform amendment focuses on these restrictions which hamstring the Government buyer and ultimately increase costs to the taxpayer.

In addition, as a complement to the work we started last year with FASA, our amendment moves the Federal procurement system closer to a commercial-type process.

Why should the Government be doing procurement in a wildly different way than happens in the private sector?

As 10 senior industry executives stated in a letter to Chairman SPENCE and me, our approach ''will significantly lower the costs to the government—and industry—by replacing bureaucratic procedures that long ago outlived their usefulness with the type of streamlined approaches that continue to work so well in the commercial sector.''

In fashioning our amendment, we were guided by a number of considerations: How to provide meaningful competition, obtain quality goods at reasonable prices, and ensure accountability of public officials for public transactions. At the same time, we are under enormous budgetary constraints that drive us to look at ways to meet our goals, yet do so in a way that is affordable and uses common sense.

The Clinger-Spence-Kasich amendment would:

Maximize competition by permitting the Government to provide for meaningful competition—not competition for competition's sake—which would allow firms to concentrate their energies and resources on Government business that they can realistically meet;

Provide a preference for expanded use of commercial products and services through simplified procedures, and the elimination of costly, time-consuming regulations designed primarily for the noncommercial environment;

Create a single, understandable reasonable approach to procurement ethics and also eliminate a cumbersome certification process that has had little value and contributed significant costs to both Government and industry;

Establish a results-oriented acquisition system which provides performance incentives—both positive and negative—for Government buyers and industry tied to cost and performance goals; and

This amendment would eliminate the guesswork from the current bid protest and dispute resolution maze by creating a single administrative entity to handle such matters with a single set of efficient procedures.

Some may say, in fact, have said, we should rest on our laurels, and let the

system absorb the changes made last year by FASA. But we must continue to push for reforms which will make the Federal procurement system work better and cost less. The Clinger/Spence/Kasich amendment provides the fundamental changes necessary to promote affordable and commonsense approaches to meet our budgetary goals and move the Federal procurement system into the 21st century.

If there has been one hallmark of this Congress, it has been to take away the regulatory overkill that we have imposed both on our Government procurement officials and also on the private sector. This amendment moves us dramatically in that direction.

Mr. Chairman, I urge my colleagues to support the Clinger-Spence-Kasich amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, while I have been working cooperatively with Chairman CLINGER over the past several days on his Governmentwide procurement amendment, I have serious concerns about the process that brings us here today. In the first place, a Governmentwide procurement bill should not be considered on the national defense authorization bill. Second, this amendment is being considered on the floor without benefit of debate within the Government Reform and Oversight Committee.

In previous Congresses, Republicans vigorously opposed nongermane amendments. Such amendments clearly undermine the integrity of our committee process. They deprive the majority and minority Members of the House, with the most expertise on a given subject, of the opportunity to carefully consider and fully debate complicated and difficult issues before House consideration. It also takes up valuable floor time on issues which might have been and should have been resolved by the committee.

However, the rule has made Chairman CLINGER's amendment in order, so I, along with the ranking Democratic member of the Government Information and Technology Subcommittee, Representative MALONEY, have attempted to work with the chairman to improve his amendment. As a result, the modified Clinger amendment is a substantial improvement over the original amendment.

With one important exception, Chairman CLINGER has incorporated all of the proposed amendments which we offered to the Rules Committee. That one exception regards the Clinger amendment's elimination of full and open competition, which I believe will cripple the ability of small businesses to compete for Federal contracts. I will offer an amendment shortly to retain the current practice allowing all businesses to compete for Government contracts under full and open competition.

In brief, our amendments represent significant reform and enhancement of Federal procurement policy. They allow for the increasing decentralization of procurement authority, and elicit greater cost-effectiveness for the Federal Government and the taxpayer. Chairman CLINGER and I share the same goals of modernizing and streamlining Federal acquisition procedures, and I applaud his recent efforts to reach a consensus with Democratic members of the Government Reform and Oversight Committee on procurement reform legislation.

Let me briefly describe portions of my bill, H.R. 1795, that will be essentially incorporated into Chairman CLINGER'S modified amendment.

First, the modified Clinger amendment now includes my amendment to improve Government procurement management practices by requiring Federal agencies to make more effective use of the cost-management tools and procedures known generally as value engineering.

Value engineering is a long-standing and widely accepted technique in both the public and private sectors that, despite its proven capabilities, remains underutilized in the Federal acquisition process.

Numerous GAO and IG reports, independent studies, and even the Presidentially appointed Grace Commission have demonstrated that Federal agencies' underutilization of value engineering has resulted in billions of dollars in lost opportunities to reduce costs to the Federal Government.

This provision will ensure better implementation of value engineering procedures, and will thereby reduce capital and operation costs, and improve and maintain optimum quality of construction, administrative, program, acquisition, and grant projects.

Second, Chairman CLINGER has accepted my amendment to retain the knowing standard for criminal violations of our procurement integrity laws, and increase the maximum criminal penalty from 5 to 15 years. This change will facilitate the Justice Department's ability to prosecute criminal and civil procurement fraud cases.

Third, Chairman CLINGER has accepted our amendment to limit sole-source contracting for commercial products. While I believe that the complete elimination of the simplified acquisition threshold contained in the Clinger amendment will raise problems, our amendment will place limits on its use and will help to ensure that an adequate level of competition is maintained with the expanded use of commercial items.

Finally, Chairman CLINGER has accepted an amendment by Representative MALONEY that improves the performance capability of the frontline contracting personnel. The amendment requires civilian agency heads to adopt education, training, and incentive features that raise the level of excellence and professionalism of the acquisition work force.

Mr. Chairman, the inclusion of these provisions in the Clinger amendment substantially improve the amendment. I commend the chairman for approaching this matter in the bipartisan spirit with which any acquisition reform effort should be undertaken.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield 5 minutes to my good friend, the gentleman from South Carolina [Mr. SPENCE], the coauthor of this amendment and the chairman of the Committee on National Security.

Mr. SPENCE. Mr. Chairman, I rise in strong support of the Clinger-Spence-Kasich amendment.

This legislation represents an important leap forward in reforming today's antiquated and inefficient Federal procurement system.

Last year, Congress enacted comprehensive acquisition reform legislation that is just now beginning to work itself through the regulatory process. The Federal Acquisition Streamlining Act was a good start in making needed incremental changes to the system.

I realize that some may wonder why we are launching another round of acquisition reform while the last one is still going through the implementation process. The answer is simple—we cannot afford to wait for last year's modest reforms to go into effect before fixing the fundamental problems ailing the current system.

Mr. Chairman, what is required today is fundamental reform, not incremental reform. The American taxpayer pays too much for the goods and services bought by the Federal Government. The current system results in products that are too costly, many times outdated, and of questionable quality.

This issue is of critical importance because, how the Federal Government buys goods and services affects the budgets and programs under the jurisdiction of every single committee of the House. As we all contemplate the difficult fiscal reality of moving toward a balanced budget in 7 years, we must fix today's inefficient procurement system in order to maximize return on every single Federal tax dollar.

As the Federal Government's largest single buyer, nowhere do these problems apply more than in the Department of Defense. While the bill before the House does increase spending relative to the President's budget request, even this spending level will not adequately cover the many critical military capability-, readiness-, and quality-of-life shortfalls facing the military in the years ahead.

I supported this budget as it struck a prudent balance between halting the 10-year slide in defense spending and putting us on a track toward a balanced Federal budget. But I also realize that the shortfalls created by the drastic reductions in spending of the past few years will require that we aggressively find additional findings from within the defense program.

H.R. 1530 begins this process by cutting nondefense spending, initiating a series of structural and organizational reforms and, through the Clinger-Spence-Kasich amendment, making important process reforms that will streamline acquisition procedures, reduce the costly overhead associated with Federal procurements and allow the Government to buy commercially more often.

Mr. Chairman, I recognize that some in the House are concerned about moving governmentwide legislation of this importance on the defense bill. Let me briefly address this point. For the reasons I have mentioned, both Mr. CLINGER and I are committed to having Congress pass comprehensive and fundamental acquisition reform legislation this year. To increase the likelihood of this objective, we have determined that a two-track process is in order. Putting this legislation on this bill represents one track. This approach provides the House with the option of pursuing acquisition reform legislation as part of the conference on the defense authorization bill.

The second track—and the one that both Mr. CLINGER and I prefer and are committed to vigorously pursue—is to move this legislation as a separate bill through the normal committee process. The Government Reform and Oversight Committee, which Mr. CLINGER chairs, has already scheduled a markup on H.R. 1670 as the first step in a process designed to allow the House to work its will on this important topic through the normal deliberative process. Other committees, including the National Security Committee which I chair, will subsequently have an opportunity to consider and improve upon this legislation in the normal course of events.

While the separate-bill track remains the approach of choice and I am confident that the House will allow such a separate bill to be brought to the House floor in an expeditious fashion, there is no assurance that the other body is similarly interested in quick action on this urgent priority. Therefore, we must retain all procedural options by having this second track. Regardless of which track ultimately gets used. BILL CLINGER and I are committed to bringing to the conference and defending the substance of this legislation as it continues to be refined and improved through the normal legislative process.

Mr. Chairman, while I strongly support and urge all my colleagues to support this amendment, it must also be said that it still requires further refinement in certain areas, particularly the provisions establishing a single bid protest forum. It is my intention to continue working this and other issues with BILL CLINGER and other committees of interest and jurisdiction to improve upon the remaining problem areas.

However, while we still have some fine points to work through, I am in full agreement with BILL CLINGER and JOHN KASICH that comprehensive, fundamental reform of the Federal acquisition system is needed as quickly as possible if we are to begin reducing the size and expense of the Federal Government. The Chinger-Spence-Kasich amendment is the proper vehicle to move us toward that objective.

The gentlelady from Illinois [Mrs. COLLINS] will be offering a perfecting amendment that will walk back many of the important provisions of the Clinger-Spence-Kasich amendment. The Collins amendment, while well intentioned, would revert back to the same timid and ineffective reforms that we have engaged in for the past 10 years. What is needed is fundamental reform. Clinger-Spence-Kasich is that fundamental reform.

In closing, I urge my colleagues to defeat the Collins amendment to water down the critical provisions of the Clinger-Spence-Kasich amendment and strongly support the Clinger-Spence-Kasich amendment as an important step toward a more efficient and cost-effective Federal acquisition system.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 7 minutes to the gentlewoman from New York [Mrs. MALONEY], the ranking member of the subcommittee.

Mrs. MALONEY. Mr. Chairman, I share the chairman's commitment to modernize and streamline the procurement process, and I share his desire to dramatically improve the way the Federal Government spends more than $200 billion of the taxpayers' dollars in private contracts.

But there are at least two fundamental problems with the substance of this amendment. First, it would weaken the requirement for full and open competition for Federal contracts, which has been Federal law since 1984. These requirements are the taxpayers' best protection against waste, fraud, and abuse.

That the Clinger amendment weakens these taxpayer protections is extremely disturbing. The inspector general of the Department of Defense agrees with my objections and so stated in a letter to the chairman dated yesterday, and I am including that letter at this point in the RECORD, as follows:

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, June 13, 1995.

Hon. WILLIAM F. CLINGER, Jr.,
Chairman, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Although we recently provided the Department our views on H.R. 1670, ''Federal Acquisition Reform Act of 1995,'' the enclosed comments on sections we support or find troublesome are forwarded for your consideration. We were especially troubled by proposals in Sections 201 and 203 to reduce the number of contracts subject to the Truth In Negotiations Act. The proposals reduce the ability of contracting officers to ensure the Government receives a fair price for items purchased on noncompetitive contracts.

I hope the information is helpful as the Congress continues consideration of this important issue. If we can be of further assistance, please contact me or Mr. John R. Crane, Office of Congressional Liaison, at (703) 604–8324.

Sincerely,

ELEANOR HILL,
Inspector General.

INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, COMMENTS ON H.R. 1670, FEDERAL ACQUISITION REFORM ACT OF 1995

Section 101, Improvement of Competition Requirements. Subsections (a) and (b) would amend 10 U.S.C. 2304 and 41 U.S.C. 253, respectively, to establish a statutory preference for the use of ''maximum practicable competition'' rather than ''full and open competition.'' The proposed amendments would eliminate the statutory exceptions to competition and authorize DoD and civilian agencies to exclude a particular source in order to establish or maintain an alternative source of supply for a particular item or service. The proposed amendments further provide that when noncompetitive procedures are used to procure an item or service, the procurement shall be justified in writing and approved in accordance with the Federal Acquisition Regulation. We disagree with the proposed amendments. Contracting officers have flexibility to exercise sound business judgment under the current statute in determining the appropriate acquisition strategy for a procurement. There is no preference for sealed bids. Further, there are legitimate reasons, which the current statutes identify, that preclude the use of competition for some contracts. The exceptions were included in the statutes because in some agencies, there was an institutional bias against competition or a proclivity for sole-source contracting. We believe that the exceptions to competition should be retained in the statute to avoid abuse of sole-source contracting.

Subsection (c) would amend 41 U.S.C. 416 to eliminate differences in requirements for publicizing procurements between DoD and civilian agencies and the requirement that contracting officers consider each responsive offer that is received. We support amending the statute to establish uniform procurement notice requirements for DoD and civilian agencies. We do not support deleting the requirement that contracting officers consider all responsive offers. The purpose of the preaward notice is to open competition to all offerers who can meet an agency's needs.

Subsection (d) would amend 15 U.S.C. 637 to delete provisions that duplicate 41 U.S.C. 416. We support the amendment.

Subsection (e) would amend 41 U.S.C. 414 to incorporate the proposed statutory preference for ''maximum practicable competition'' in the executive agency responsibilities. It would also amend 41 U.S.C. 418 to delete the reference to the date of enactment of the Competition in Contracting Act. We do not support the amendment of 41 U.S.C. 414 for the reasons discussed above in Subsections (a) and (b). Also, competition is not a procurement procedure, but an objective that a procedure is designed to attain. Therefore, the word ''achieve'' is preferable to ''promote.'' We do not object to the proposed amendment of 41 U.S.C. 418.

As an alternative, we like the words in Section 1012 of S. 669, ''Federal Acquisition Improvement Act'' that amend 10 U.S.C. 2305(b) and allow the contracting officer to limit competition to the top 3 contractors bids. The provision allows all contractors to compete initially and then narrows the field.

Section 102, Definition Relating to Competition Requirements. The section would amend 41 U.S.C. 403 to replace the definition of ''full and open competition'' with ''maximum practicable competiton'' and make

similar substitutions in sections of Titles 10 and 41. We do not support the amendment. The current statutory preference for ''full and open competition'' requires contracting officers to use competitive procedures to the maximum extent practical. Also, see previous comments on Section 101.

Section 103, Contract Solicitation Amendments. The section would amend 10 U.S.C. 2305 to delete the provision stating that specifications included in contracts shall permit full and open competition and will include restrictive provisions only to the extent necessary to satisfy the needs of the agency or as authorized by law. Specifications express agency needs and serve as the baseline for the evaluation of offers. The current language was included in the statute because agencies used specifications to restrict competition by unnecessarily defining their needs too narrowly. Thus, we do not support the change.

Section 104, Preaward Debriefings. We agree with the proposed amendment to 10 U.S.C. 2305(b) to clarify the policy for debriefing unsuccessful offerers prior to the award of a contract. The change may also eliminate some needless protests. The contracting officer should have discretion whether a debriefing is required, particularly, for actions that do not involve significant judgments about factors other than price.

Section 105, Contract Types. The section would amend 10 U.S.C. 2306 to delete the prohibition on payment of contingency fees to obtain contracts; the 15 percent fee limit on performing cost-plus-a-fixed-fee (CPFF) contract for experimental, developmental, research work; the 10 percent fee limit for any other CPFF contract; the 6 percent fee limit for performing a CPFF contract for architectural or engineering (A&E) services; the requirement under cost reimbursable contracts for the prime contractor to provide notice of certain subcontract awards; and references to Truth In Negotiations Act (TINA) provisions and multiyear contracting authority.

We do not support deleting the prohibition on payment of contingency fees or the elimination of the limits on fees on CPFF and architectural or engineering contracts. As a matter of public policy, contractors should not pay contingency fees to someone for soliciting or brokering for them to obtain Federal contracts.

We disagree with deletion of the 6 percent fee limitation for a CPFF contract for architectural or engineering services. The statute serves its intended purpose because it limits how much the DoD can spend designing projects and prevents overspending on design efforts to the detriment of actual construction. The statute also helps to limit the Government's risk of investing in an expensive design for a project. We have audited hundreds of military construction projects and have never seen a lack of competition for the design work or higher construction prices due to the fee limits.

We also disagree with the proposed elimination of the 15 percent and 10 percent fee limits. The fee limitations provide a reasonable framework for the contracting officer to use in negotiating CPFF contracts and still allow the contracting officer flexibility to reward contractors according to different risk situations. Contractors have less financial risk on level-of-effort and completion type CPFF contracts than any of the other contract types. Eliminating the statutory limitations on fees for CPFF contracts would likely result in varying interpretations by contracting officers and higher fees on some CPFF contracts. Also, contracting officers often apply the 10 and 15 percent limitations to maximum fees on cost-plus-incentive-fee (CPIF) and cost-plus-award-fee (CPAF) contracts. In 1993, there were $112 billion in contracts by the DoD and $47.7 billion (42 percent) were cost-type contracts, of which $16.6 billion (14 percent) were CPFF contracts. Thus, a lot of contracts will be affected. The Section 800 Panel recommended eliminating the 6 percent limitation for architectural and engineering contracts but did not recommend eliminating the other fee limitations.

We have no objection to deleting the references to the TINA provisions or multiyear contracting authority since the provisions are in other statutes.

Section 106, Contractor Performance. The section would add a new Section 35 to 41 U.S.C. 401, et seq., that provides for a contractor verification system for the procurement of particular property or services that are procured by executive agencies on a repetitive basis. Procedures for the system would be defined in the Federal Acquisition Regulation (FAR). The section would also repeal 10 U.S.C. 2319, which provides policies on encouragement of new contractors and qualification requirements. We do not support the proposed change to eliminate the qualification requirements. Allowing new contractors to qualify helps competition in contracting, reduces costs, enhances industry responsiveness, and maintains integrity in the expenditure of public funds by ensuring that contracts are awarded on the basis of merit rather than favoritism. Under the current statute, contracting officers should also consider quality of product and contractor performance in addition to price before awarding a contract. This proposal goes away from trying to add new vendors to DoD supplier lists and appears to limit suppliers to the past DoD contractors.

Section 201. Commercial Item Exception to Requirement for Cost or Pricing Data and Information Limits. We disagree with the proposed change to the TINA, 10 U.S.C. 2306a (b)(1)(A), which deletes the section that allows the use of established catalog or market prices of commercial items that are sold in substantial quantities to the general public as an exception to the requirement for cost or pricing data. The proposed change allows the exception under (B), which is for acquisition of a commercial item. Placing the exception under commercial items allows the exception without first determining whether enough information is available to determine whether the item is actually commercial and the fairness and reasonableness of the contractor's proposed price for the exempted commercial item.

Section 1204 of the Federal Acquisition Streamlining Act (FASA) recently amended 10 U.S.C. 2306a (d)(2)(B) to allow a commercial item exemption when contracting officers are able to obtain information on prices for which the same or similar items were sold in the commercial marketplace to determine price reasonableness. We disagree with the proposed rule that would allow an exemption simply because the definition of commercial item is met. Without restrictions to only allow the exemption after the fairness of the proposed price has been determined, there are no control mechanisms to prevent the Government from being overcharged.

The proposed change in this Bill to Section 2306(c) of 10 U.S.C. would eliminate the right of the head of the procuring activity to request cost or pricing data because the item is now called commercial. The proposed change to Section 2306a(d) of 10 U.S.C. would eliminate the right for contracting officer to request limited data for commercial items and for auditors to have 2 years after award of the contract to audit the data. The proposed change also eliminates 10 U.S.C. 2306a(h), which states the FAR will contain provisions on the types of information a contracting officer can request to be submitted to determine if a price is reasonable when the procurement is under $500,000.

We disagree with the changes, which create intolerable loopholes to the TINA. The FASA changes enacted last year to allow the current 10 U.S.C. 2306a exemption for commercial items has not yet been implemented and its effect cannot be judged. Also, the ability to request limited data for commercial items and allow 2-year audit rights was placed in the FASA as a compromise last year to allow for limited tests or reviews, without penalties to contractors, to determine whether fair prices were being received under the commercial item exemption. Without this audit provision, there is no way to evaluate properly the FASA change related to commercial items. We believe that changing the provision of a law designed to streamline the purchase of commercial items before the law has been implemented is premature.

The Defense Contract Audit Agency and this office identified $2,017 million in FY 1994 in direct monetary benefits related to the TINA. Those benefits were from identified contract over-pricing that resulted in price reductions or administrative and criminal collections for overpricing. The Coopers and Lybrand/TASC study on contract cost drivers stated that TINA adds about 1.3 percent to contract costs. If this cost driver estimate is near accurate, then TINA added about $660 million in costs to DoD contracts in FY 1994, but there were $2 billion in benefits. This is a benefit to cost ration of 3 to 1. However, the greatest benefits from TINA are intangible, and we cannot estimate the intangible but positive effect of the TINA on keeping contract prices fair for the Government. Just the fact that the law exists and there are audit and investigative agencies creates an atmosphere of voluntary contract compliance.

Section 202. Application of Simplified Procedures to Commercial Items. The proposed change to 10 U.S.C. 2304(e)(1) would amend Sections 101 (a) and (b) of this Bill to specify that simplified acquisition procedures may be used for purchases of commercial items regardless of dollar value. The section would also amend 41 U.S.C. 416, as amended by Section 101(c), to conform notice requirements for commercial items to the use of simplified procedures. We strongly support the concept of making the purchase of commercial items easier. The Deputy Inspector General, DoD, testified last year that because of the restrictive acquisition laws, the Department purchased very limited quantities of common commercial items, such as clothing and textiles, wood products, meat and seafoods from the top 10 commercial producers. The Department purchased these commercial items from smaller companies that specialized in satisfying the Department's acquisition rules and selling to the Department. To really reduce costs, you need to exempt commercial item purchases from all Buy-American, small business and other socioeconomic statutes.

Section 203. Amendment to Definition of Commercial Items. We disagree with the proposed change. As written in Part (F) of the FASA (41 U.S.C. 422(f)(2)), the procurement of commercial services is limited to established catalog prices for the services. At present, the statute Part (E) provides for acquisition of installation, maintenance, repair and training services as commercial services. The proposed change in Part (F) allows a definition of commercial services as services based on established prices. There is no definition of ''established prices,'' and the terms are much broader than the current terms ''established catalog prices.'' The new

terms could result in almost any service fitting that description and, thus, being considered a commercial product. Established prices may merely represent prices traditionally offered the Government and may not reflect lower prices offered affiliates and commercial customers for sales of like quantities under similar terms and conditions. Unless the prices for the specific tasks are published in a catalog, the Government would be unable to determine whether standard commercial terms, conditions and prices are offered.

According to a March 1993 OMB report, service contract costs were $103 billion for the Government and $61 billion in the DoD for 1993. The proposed change would permit the acquisition of all professional and technical services as a commercial service and exempt $100 billion of service contracts from contracting officer and auditor requests for a contractor's catalog, pricing data or cost data to perform pricing or cost analyses. Without any restrictions or exclusions, the language is too broad and is very likely to result in increased prices and a reduction in competition. The DoD has not yet implemented the (D) and (F) provisions of the FASA to judge their effect. We believe it is too early to change a provision of law designed to streamline the purchase of services before the law has been implemented.

Section 204, Inapplicability of Cost Accounting Standards to Contracts and Subcontracts for Commercial Items. We disagree with excluding the requirement to comply with Cost Accounting Standards (CAS) if the contract for commercial items provides for Government financing through progress payments or public vouchers. In order to receive financing, the contractor must demonstrate that his accounting practices adequately assign costs to contracts. Therefore, any contract for commercial items that provides for Government financing should include the provisions of the CAS.

Section 301, Government Reliance on the Private Sector. The section would add a Section 17 to the Office of Federal Procurement Policy Act that states it is the policy of the Government to rely on commercial sources to supply its needs. We have no objection to the amendment. The policy is already stated in Executive Order and administrative regulations (Office of Management and Budget Circular No. A–76).

Section 302, Elimination of Certain Certification Requirements. We do not agree with the proposed amendment to 10 U.S.C. 2410 to delete the certification requirement for contractor requests for equitable adjustment and relief under Public Law 85–804. The claims are subject to audit and inaccurate, incomplete or misleading data could be a basis for denial of the claim and other sanctions. We also do not agree with the proposed amendment to 10 U.S.C. 2410b to delete the certification for contractor inventory accounting systems. Contractor representations are one of the basis that help DoD personnel decide whether to reduce the need for systems audits to establish whether the systems meet standards. We do not object to the amendment of 31 U.S.C. 1352(b)(2) to delete the certification requirement regarding the prohibition on use of appropriated funds for lobbying (Byrd Amendment) and 41 U.S.C. 701 to delete the certification requirement from the Drug-Free Workplace Act. We do not support the proposed requirement in subsection (b) that not later than 210 days after the date of the enactment of the Act, any certification required of contractors or offerers by the FAR that is not specifically imposed by statute would be removed from the FAR or such agency regulation unless written justification for such certification is provided to the Administrator, Office of Federal Procurement Policy (OFPP) by the FAR Council and the Administrator approves in writing the retention of the certification. Instead, we support a provision that would vest agency heads with nondelegatable authority to decide when agencies may impose such certifications. We believe there is a need for certifications from contractors where funds or safety are involved because they enhance the efficiency and trust in the contracting process.

Section 303, Amendment to Commencement and Expiration of Authority to conduct Certain Tests of Procurement Procedures. The change is to subsection (j) of Section 5061 of the FASA. Section 5061 covers the OFPP Test Program for Executive Agencies. The OFPP test programs were limited by the FASA to under $100 million in procurements, allowed OFPP to test innovative procurement polices, and waive any nonstatutory rule in the FAR and 13 statutes. Subsection (j) does not allow use of the test programs in any agency until the agency certifies to Congress full Federal Acquisition computer Network (FACNET) capability. We agree with the change because it allows use of the test programs prior to full Facnet capability. The DoD does not project obtaining full FACNET capability until late 1997.

Section 304, International Competitiveness. The proposed change deletes the requirement for recoupment of a proportionate amount of nonrecurring costs for research, development and production of major defense equipment. The premise is that doing so will facilitate the transfer of technology between Government and commercial markets; aid integration of contractor's Government and commercial operations; increase U.S. competitiveness in worldwide markets; and enhance national security by preserving the industrial base. We disagree with the change and offer an alternative. The current law and regulations allow the change to be waived if the charge is an impediment to the sale. Requests for waivers are invariably granted. Some personnel refer to the charge as a tax when, in fact, it is a refund to the U.S. Treasury of a proportionate amount of research and development funds provided to the contractor to develop the item. The nonrecurring cost collections added about $181 million to the U.S. Treasury in FY 1994 and the Defense Security Assistance Agency projects that an additional $1 billion will be collected during FYs 1995 to 2000. If the provision of noncollection applies to only new sales, then $148 million ($25 million in 1998, $48 million in 1999 and $70 million in 2000) of the $1 billion will not be collected during these years. However, between 2001 and 2005, nothing will be collected. If recoupments are stopped, another source of revenue will be needed to offset the noncollection. It has also been stated that repeal is needed to improve the competitiveness of U.S. companies selling military hardware. Recent sales figures show that in 1993 the U.S. accounted for 53 percent of all military hardware sold to other nations. During the 1991 to 1993 period, the U.S. supplied about $34 billion of military equipment to foreign countries and all other nations combined provided $34 billion. Since the U.S. sales of military hardware exceed all other countries combined, there is no need for additional across-the-aboard help when it can be done through waivers, on a case-by-case basis, to help competitiveness.

Section 305, Procurement Integrity. We agree with the proposed repeal of 10 U.S.C. 2397, Employees or former employees of defense contractors: reports; 10 U.S.C. 2397a, Requirements relating to private employment contacts between certain Department of Defense procurement officials and Defense contractors; 10 U.S.C. 2397b, certain former Department of Defense procurement officials: limitations on employment by contractors; 10 U.S.C. 2397c, Defense contractors: requirements concerning former Department of Defense officials; and 18 U.S.C. 281, Restrictions on retired military officers regarding certain matters affecting the Government. The provisions of Title 10 relate solely to the Department of Defense and impose various post-employment restrictions and reporting requirements. The provision of Title 18 imposes criminal penalties for violations of post-employment restrictions by retired military officers. It is currently suspended. The complexity of the current restrictions have frustrated the ability of the contracting work force—in Government and industry—to abide by them The current statutory certification requirements are unlikely to deter conduct to be proscribed. Moreover, the certifications create considerable administrative burden.

Section 306, Further Acquisition Streamlining Provisions. We do not support amending 41 U.S.C. 404 to define the purpose of the OFPP and repealing 41 U.S.C. 401 and 402, which currently define the purpose and responsibilities of the OFPP. The change replaces specific language with vague, general language and we see no benefit to the change. We also disagree with the repeal of the reporting requirement in 41 U.S.C. 407(a), which requires the Administrator of OFPP submit an annual report to the Congress on the major activities of his office. We believe this requirement should be retained because it assists the Congress in carrying out its oversight responsibilities. We agree with the repeal 41 U.S.C. 407(b), which requires the Administrator to transmit a report to the Congress on proposed policies and regulations. Repeal would reduce the administrative burden created by this reporting requirement. We agree with repeal of the obsolete provisions in 41 U.S.C. 409 and 410, which cover the 1983 appropriations and rules for the OFPP.

Section 401–452, Establishment of the United States Board of Contract Appeals. The new consolidated Board will be established in the executive branch and be composed by judges from all the Boards of Contract Appeal (BCAs) and assistant general counsels from the General Accounting Office (GAO) that now hear bid protests. The proposed change terminates all of the existing BCAs in the different departments.

Functions of the new Board include the following:

1. Required to provide alternative disputes resolution services for contract disputes.
2. Adjudicate contract disputes under the Contract Disputes Act (CDA).
3. Resolve bid protests through use of the following procedures: may consider all relevant evidence; preponderance of the evidence standard; has authority to suspend procurement pending protest; costs can be paid to U.S. on frivolous protests; successful protestor can be awarded costs; and nonexclusivity of remedies. A contractor can still protest to an agency, a District Court or a Court of Federal Claims. However, it repeals authority of the General Services Administration Board of Contract Appeals (GSBCA) and the GAO to hear protests.

We have no opinion on these sections since it is unclear if efficiency or costs savings will result from this proposed legislation, and we have no basis to make such a determination.

Second, the Clinger amendment allows a simplified acquisition procedure for the purchase of these so-called commercial products no matter what the dollar value. Last year we passed a landmark bill with bipartisan support that raised the threshold for simplified

procedures to $100,000, thus allowing officials to purchase basic goods like salad dressing or paperclips without undue red tape.

This amendment would eliminate the threshold altogether, and while I might, in fact, support raising the threshold, I cannot in good conscience support eliminating the threshold and thereby depriving the taxpayers of the assurance that when it buys a multimillion-dollar product the American people are still getting the best possible product at the best possible price.

The Department of Defense's inspector general has strong reservations concerning the Clinger amendment's definitions of commercial items because there is no definition for established prices for commercial services afforded other customers, a determination of lower prices cannot be made and, therefore, may end up costing more for the Government. The IG's concern underscores mine that waiver of full and open competition is available for products and services within the broad spectrum of the term commercial items.

The term simplified procedures only tells procurement agents that they need to have competition to the maximum extent practicable. This is a far cry from a requirement for full and open competition when buying a multimillion-dollar item. Waiving a requirement of full and open competition may be fine for small purchases, but I believe that allowing contracting officials to spend as much taxpayer money as they want with limited competition may lead to serious problems.

Also of major importance is the process under which we are considering the Clinger amendment on the floor today without a markup or even a committee report explaining the provisions of this legislation. In fact, Mr. Chairman, when a bill of this magnitude and complexity is brought directly to the floor, it can only raise the suspicion in the minds of the public that we might be trying to push something through that cannot stand the scrutiny of public debate.

I am certainly confident that everyone concerned has the best interests of the Nation at heart, but strange procedures like this will lead to questions however unjustified, when the subject is how $200 billion will be spent.

Let me be clear that there are many provisions of this amendment that I do support, including those that I drafted to improve the acquisition work force. I thank the chairman, the gentleman from Pennsylvania [Mr. CLINGER], and his staff for working closely with the gentlewoman from Illinois [Mrs. COLLINS] and myself and for accepting many of our amendments.

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The acquisition work force, a major thrust, is needed because a major thrust of almost all recent procurement reform is placing more responsibility and decisionmaking power with the front-line procurement official, the contracting officer. But at the same time we are giving more responsibility to those officials, we are also witnessing a significant downsizing of the work force. Therefore, these reform initiatives will be successful only if we have a highly trained and motivated corps of professionals.

Currently, there are no professional requirements for contracting officers; in fact, one need not have a college education even though they are making decisions about how to spend millions of taxpayer dollars. For the first time, we will have mandatory qualifications that include a requirement that contracting officers, at a minimum, possess a college degree. But while these changes will make this a better amendment than before, the fact that the Clinger amendment weakens full and open competition for Federal contracts makes it impossible for me to give my support.

As I said earlier, the simple fact is that the best protection that the taxpayers have against the danger of waste and corruption in procurement is the requirement that contracts be awarded using competitive procedures. This ensures that the American people get the best product for the lowest price, but by removing the requirement for competition and replacing it with some nebulous definition of ''maximum extent practicable,'' we are only inviting lawsuits and other trouble for the American taxpayer.

I will discuss some of these issues further in supporting the amendment which the gentlewoman from Illinois [Mrs. COLLINS] will offer to the Clinger amendment to remedy some of these flaws. Under different circumstances and with a few fundamental changes, the Clinger amendment could represent an excellent second step to follow the changes made last year by Congress and those made by Vice President GORE, but until those changes are made, I must oppose the amendment.

Mr. CLINGER. Mr. Chairman, I yield 4 minutes to the gentleman from New Hampshire [Mr. ZELIFF], a very valued member of the committee and supporter of this amendment.

Mr. ZELIFF. Mr. Chairman, I rise in support of this amendment to the defense authorization bill to cut redtape and simplify the Federal acquisition system. For too long, Federal procurement has meant costly, time-consuming regulations that waste millions of taxpayers' dollars. This amendment takes a much-needed giant step toward reinjecting both common and economic sense into the Federal acquisition process.

I am proud to join as a cosponsor of this amendment with the distinguished chairman of the Government Reform and Oversight, National Security, and Budget Committees, respectively, as well as my distinguished colleague from New Hampshire, Congressman CHARLIE BASS. Chairmen CLINGER, SPENCE, and KASICH—and their staffs—deserve tremendous credit for forging this consensus amendment.

It is important to note that this amendment has the support of the committee chairs charged with reforming and cutting the size of Government, with authorizing our military with the means to secure our Nation, and with cutting our Federal budget.

In short, this amendment cuts Government waste, enhances national security, and makes financial sense. Clearly, the time is now to pass this amendment.

When it comes to acquisition reform, we appropriately should focus on the Department of Defense. DOD spends nearly 80 percent of the roughly $200 billion per year spent by the Federal Government on good and services. That is nearly $160 billion a year.

Under the current acquisition rules, DOD pays an additional 18 to 19 percent in costs generated by existing redtape. That is an added $28 to $30 billion in unnecessary costs per year—that leaves a lot of room for improvement.

This amendment goes a long way toward cutting those unnecessary costs by building on the reforms passed last year in the Federal Acquisition Streamlining Act [FASA] of 1994.

Chairman BILL CLINGER led the fight to pass those reforms last year—the first in nearly a decade—as he is leading the fight this year to continue the job.

Today's amendment will give the taxpayer more bang for the buck. It requires more efficient competition, expanded use of off-the-shelf commercial products, results-oriented performance incentives, and streamlining of the dispute resolution and bid protest process.

When you have a system as bloated and inefficient as the Federal acquisition system, even today's reforms may not be enough. While scuttling the system all together may be tempting, I would urge my colleagues to support this amendment. It recognizes the need for major reform by requiring dramatic yet prudent change.

I share Chairman JOHN KASICH's concern that the culture surrounding the Federal procurement process, especially within DOD, must be reassessed and fundamentally changed.

As a small businessman, I have learned that at the end of each day, you need to balance your books if you want to stay in business. Our Government and the Federal acquisition process need to be reintroduced to these basic business practices. We need to incorporate these lessons from the private sector. This amendment pushes us in that direction.

Finally, a subcommittee chairman charged with overseeing the economy and efficiency of DOD, I share Chairman SPENCE's desire to achieve greater efficiency without sacrificing one ounce of security. This amendment cuts costs without cutting military readiness.

Mr. Chairman, today's amendment calls for fundamental change that is

long overdue in the Federal acquisition system. Many among us, Republicans and Democrats, have been working to improve the way our Government does business. We are blessed with a wealth of ideas and energy in this Congress.

My fellow colleagues, let us seize this moment and channel our energy into a positive, constructive force. Let us pass this amendment and improve the Federal acquisition system. That is what the American people expect—and I am confident that is what we will deliver.

Mrs. COLLINS of Illinois. I yield 4 minutes to the gentlewoman from Kansas [Mrs. MEYERS], the chair of the Committee on Small Business.

(Mrs. MEYERS of Kansas asked and was given permission to consent to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Chairman, I rise reluctantly to oppose the Clinger amendment and enthusiastically in support of the Collins amendment. The Clinger amendment does several things. First, it repeals the requirement for full and open competition. Next, the Clinger amendment would permit the use of so-called simplified procedures for the procurement of commercial products without any dollar limitation. Currently, these simplified procedures can be used only for small purchases, those less than $25,000. After implementing regulations are issued on the Federal Acquisition Streamlining Act [FASA] from last year, authority to use simplified procedures will increase to $100,000. Let me repeat, the Clinger amendment would permit the use of simplified procedures for the purchase of commercial products, without dollar limitation.

Mr. Chairman, I am also concerned about the Clinger amendment for procedural reasons. This sweeping procurement legislation should not be considered at the last minute as a floor amendment to the DOD authorization bill. It has had one hearing. It has not had a markup. The sponsor urges that the text of the amendment being considered is merely a placeholder, subject to future revision. I remain concerned, given the changes that this legislation makes and how those changes would affect small business.

In its present form, this legislation, the Federal Acquisition Reform Act of 1995, is a disaster for small business. This legislative alert is now being circulated at the 1995 White House Conference on Small Business, which is taking place this week. I am informed that it is being distributed by the Small Business Working Group on Procurement Reform, which includes NFIB, National Small Business United, the Small Business Legislative Council, and other groups. It expresses great concern about the this legislation and this process. It says that this legislation, now being considered in the form of the Clinger amendment, would take away small businesses' right to bid on contracting opportunities being offered by the government by repealing the full and open competition standard of the 1984 Competition in Contracting Act.

When I was elected in 1984, all during that long, hot summer and fall, all I heard about was the $435 hammers and the $7,600 coffee pots. The full and open competition standard was put in legislation to do away with those and similar sole-source procurement excesses. Now we are considering legislation to repeal it.

Small business sees this effort as a mechanism to again deprive them of the opportunity to bid. The legislative alert specifically highlights that the legislation before us as the Clinger amendment would repeal current protections requiring a contracting officer to justify the proposed award of a contract through less than full and open competition. The Clinger amendment would repeal statutory protections for the prequalification of contractors. It would repeal the provisions of the Small Business Act that require notice of contracting opportunities in the Commerce Business Daily—or local posting for small purchases—and assure adequate time to submit an offer.

The legislation contained in the Clinger amendment would authorize awards of contracts for commercial items without dollar limitation through simplified procedures currently used for only small purchases. I approve of the use of simplified procedures for commercial items under $25,000 or even under $100,000, but not without any dollar limitation. Under simplified procedures, a person sitting in the Pentagon could make a telephone solicitation of three firms of the contracting officer's choosing, and that would be recognized as competitive.

Mr. Chairman, as a result of last year's Federal Acquisition Streamlining Act, commercial items are broadly defined to include not only items sold in the marketplace, but even unbuilt items that are, ''intended to be offered in the future.'' The Clinger amendment legislation would also broaden the definition of commercial items to cover a broad range of services.

Mr. Chairman, I think that the Clinger amendment locks out small business. The Collins amendment strikes the most egregious provisions of the Clinger amendment. I would urge my colleagues to vote for the Collins amendment and against the Clinger amendment.

Mr. CLINGER. Mr. Chairman, I yield myself 30 seconds to respond.

Mr. Chairman, the task force alert which was referred to by the gentlewoman from Kansas [Mrs. MEYERS] unfortunately, I regret to say, is full of misinformation and disinformation, and I think that may be partially our fault for not have been—but I think we will have an opportunity before we go to markup next week to correct some of the misinformation that is included in that markup, and we will certainly do that. I stress again we are going to markup next week. If there are these problems that are alluded to, we can address those at that time.

Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. WATTS], a member of the Committee on National Security.

Mr. WATTS of Oklahoma. Mr. Chairman, I believe Congress is finally doing something positive for small business. The Clinger-Spence-Kasich amendment to H.R. 1530 slashes bureaucracy and creates an accomodating marketplace environment. It does this by increasing the use of commercial practices, streamlining the lengthy dispute process, and enhancing competition.

It will be easier for the Federal Government to contract with the private sector, easier for the private sector to carry out its responsibilities, and easier for the user—our soldiers, sailors, airmen, and marines—to receive the goods and services necessary to fight and win the battles that lie before them.

Last month, the National Security and Government Oversight Committees held a joint hearing. In that session, a senior official of a minority-owned information technology firm testified that Congress needs to streamline the currently cumbersome and costly acquisition process. This amendment moves us in that direction by eliminating administrative burdens normally associated with the contracting process. For example, the use of cost accounting standards on commercial items would become a thing of the past. Cost accounting standards are complex rules for collecting and reporting costs. How much will this save? Hundreds of thousands of dollars in costs will no longer be paid to company employees and watchdogs whose primary role is to collect, organize, and report costs to government buyers.

We can no longer tolerate the archaic approach at work within the Federal acquisition process. We have before us the opportunity to lower the cost of doing business and expedite deliveries to the military consumer. This chance should not be overlooked. I ask my colleagues to please join me in supporting this amendment.

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AMENDMENT OFFERED BY MRS. COLLINS OF ILLINOIS TO THE AMENDMENT OFFERED BY MR. CLINGER, AS MODIFIED

Mrs. COLLINS of Illinois. Mr. Chairman, I offer an amendment to the amendment, as modified.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mrs. COLLINS of Illinois to the amendment offered by Mr. CLINGER, as modified: Strike out sections 801, 802, 803, and 806 in the matter proposed to be inserted, and insert in lieu of section 801 the following:

SEC. 801. COMPETITION PROVISIONS.

(a) CONFERENCE BEFORE SUBMISSION OF BIDS OR PROPOSALS.—(1) Section 2305(a) of title 10, United State Code, is amended by adding at the end the following paragraph:

''(6) To the extent practicable, for each procurement of property or services by an agency, the head of the agency shall provide for a conference on the procurement to be held for anyone interested in submitting a bid or proposal in response to the solicitation for the procurement. The purpose of the conference shall be to inform potential bidders and offerors of the needs of the agency and the qualifications considered necessary by the agency to compete successfully in the procurement.''.

(2) Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a) is amended by adding at the end the following new subsection:

''(f) To the extent practicable, for each procurement of property or services by an agency, an executive agency shall provide for a conference on the procurement to be held for anyone interested in submitting a bid or proposal in response to the solicitation for the procurement. The purpose of the conference shall be to inform potential bidders and offerors of the needs of the executive agency and the qualifications considered necessary by the executive agency to compete successfully in the procurement.''

(b) DESCRIPTION OF SOURCE SELECTION PLAN IN SOLICITATION.—(1) Section 2305(a) of title 10, United States Code, is further amended in paragraph (2)—

(A) by striking out ''and'' after the semicolon at the end of subparagraph (A);

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) a description, in as much detail as is practicable, of the source selection plan of the agency, or a notice that such plan is available upon request.''.

(2) Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a) is further amended in subsection (b)—

(A) by striking out ''and'' after the semicolon at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) a description, in as much detail as is practicable, of the source selection plan of the executive agency, or a notice that such plan is available upon request.''.

(c) DISCUSSIONS NOT NECESSARY WITH EVERY OFFEROR.—(1) Section 2305(b)(4)(A)(i) of title 10, United States Code, is amended by inserting before the semicolon the following: ''and provided that discussions need not be conducted with an offeror merely to permit that offeror to submit a technically acceptable revised proposal''.

(2) Section 303B(d)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended by inserting before the semicolon the following: ''and provided that discussions need not be conducted with an offeror merely to permit that offeror to submit a technically acceptable revised proposal''.

(d) PRELIMINARY ASSESSMENTS OF COMPETITIVE PROPOSALS.(1) Section 2305(b)(2) of title 10, United States Code, is amended by adding at the end the following: ''With respect to competitive proposals, the head of the agency may make a preliminary assessment of a proposal received, rather than a complete evaluation of the proposal received, rather than a complete evaluation of the proposal and may eliminate the proposal from further consideration if the head of the agency determines the proposal has no chance for contract award.''.

(2) Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended by adding at the end the following: ''With respect to competitive proposals, the head of the agency may make a preliminary assessment of a proposal, and may eliminate the proposal from further consideration if the head of the agency determines the proposal has no chance for contract award.''

(e) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to reflect the amendments made by subsections (a)< (b), (c), and (d).

The CHAIRMAN. Under the rule, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes.

PARLIAMENTARY INQUIRY

Mrs. COLLINS of Illinois. Mr. Chairman, I understood that we had a 4 remaining minutes on the other discussion. Do I now have 24 minutes, remaining?

The CHAIRMAN. The gentlewoman has 20 minutes, in addition to her remaining time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment does three things: First it strikes from Chairman CLINGER's amendment his repeal of full and open competition for Federal contracts. Second, it strikes an unnecessary system of Federal agency verification, whereby agency bureaucrats determine which firms are allowed to bid for Federal contracts. Third, it moves us closer to commercial buying practices, by empowering agency officials to have more open communication with the private sector. My position is supported by the Small Business Administration and the National Federal of Independent Businesses.

The cornerstone of our free enterprise system is full and open competition. The competitive market ensures fair prices to the Government. If a vendor's product costs too much it will not survive. At the same time full and open competition provides the opportunity for all vendors, particularly small businesses, to participate in the Federal marketplace, to be judged on merit. This creates incentives for the development of new and innovative products. Clearly these market forces are essential if we are to position our country for economic leadership into the next century.

Chairman CLINGER's amendment detours from the well-lighted road of full and open competition, and into the uncharted wilderness of maximum practicable competition. While it is unclear from the bill exactly what is meant by this new standard, I am concerned that we will be changing the playing field to significantly limit the ability of small businesses to compete for Federal contracts.

Prior to 1984 Federal agencies used maximum practicable competition to award sole source contracts because agency bureaucrats complained that full and open competition would be too complicated and time consuming. They said it was less risky and more manageable to do business with a few selected vendors, instead of encouraging new and innovative qualified companies to enter the Federal marketplace.

That lack of competition resulted in widespread waste and abuse in every Federal agency. As a result, in 1984, Congress passed the Competition in Contracting Act, which established the current standard of full and open competition which has saved the Federal Government billions of dollars. Now, the same old tired, fallacious arguments which were used to limit competition before we passed the Competition in Contracting Act, have resurfaced with the Clinger amendment.

Now, I can understand why agency bureaucrats would only want competition to the maximum extent practicable. It is certainly much easier and less time consuming to do business with only a few selected well-known big companies. Agency officials get to know the people in these companies, and yes, the old-boy network does have its advantages. The question is: do we really want our country to go backwards as we move into the more enlightened information age? I do not think so; I certainly hope not.

Over the past 5 years many of the major innovative and technological advances that our country has made have come from small businesses. For example, one need only to look at the remarkable rise of companies like Microsoft and Apple computers. Just a few years ago they were new, small companies; today they successfully compete with computer giants like IBM.

Over the next 10 years, 85 percent of all new jobs in the United States will come from small businesses. Such business are in every district of every Member in this House. By returning to Chairman CLINGER's standard of ''maximum practicable competition,'' we will establish procurement policy which locks small businesses out of the Federal marketplace and significantly undermine our Nation's competitiveness.

Joshua Smith, who chaired President Bush's Commission on Minority Business, testified several years ago before the Government Operations Committee that emphasizing subjectivity in awarding contracts creates a ''breeding ground for prejudice,'' because contracting officers, if given the choice, will usually go with a well-established, large firm instead of a small business offering a lower price.

Much of the stated justification for this change in standard is to give agency employees more power to exclude noncompetitive companies; but under the current full and open competition standard most of that authority already exists. For example under existing law, companies can be excluded: First if they lack sufficient capital to perform the contract; second, if they lack a satisfactory performance record; third, if they lack sufficient technical

skill or experience; fourth, if they are not able to meet the delivery or performance schedule. In addition, Federal agencies have the authority to limit competition under special circumstances.

Giving agencies the further authority to limit competition in noncommercial items is bad public policy. Suppose, for example that a contracting officer decides to cut off competition after receiving three competitive bids and bids four, five, and six were all technically better than any of the first three and offered at a lower price. The Clinger amendment could mean that Federal taxpayers will get stuck with paying higher prices for inferior products. That is not what I call procurement reform.

Several years ago the Federal Aviation Administration ran a noncompetitive procurement known as corn. At the insistence of the Government Operations Committee, the FAA was forced to run a real competitive procurement procedure that actually resulted in a savings of $1 billion to the taxpayers. Under the proposed maximum practicable competition standard, such savings would have been lost.

Now, I agree with Chairman CLINGER that there does appear to be a problem of many companies having technical weaknesses which are evident to the agencies early in the process. However when agency procurement officers fail to so advise these companies of their little chance of winning, in a timely fashion, a lot of their money is wasted in a futile effort to win a contract.

This point was made by Sterling Philips, chief operating officer for TRICOR Industries, who testified at our hearing that:

> Our interests, and those of the taxpayer, would have been served much better by telling us early in the cycle that our solution, or our company, was simply not qualified to win.

There also seems to be a problem with the lack of dialog between agencies and businesses prior to bidding. In the private sector, buyers and sellers talk to each other all the time. In the Federal Government we limit that discussion.

Mr. Edward Cypert, vice president of TRW clarified this problem when he testified:

> It seems like when we have an opportunity to sit down and discuss the requirements and to find what the requirement base is going to be where, we understand it on both sides. Both what is going to be imposed and what is going to be built leads us into a position where not only is the process shortened, but the response is better, it is more on target, you can get to the price and the performance that you want.

I agree with these two industry concerns. Therefore, my amendment provides for prebid or preproposal conferences which should disclose as much information as possible regarding the qualifications necessary to successfully win a contract.

In order to give companies a better understanding of how agencies will evaluate bids, my amendment would require that solicitation describe the agency source selection plan in as much detail as practicable. If companies are better informed about how bids will be evaluated, they will be better able to give the Federal Government exactly what it needs and at the best price.

Finally, my amendment empowers Federal agencies by giving them the authority to eliminate from cost and technical discussions and evaluations any proposal that clearly has no chance for award. In this way companies should be informed early in the process that they have no chance to win a bid. This will cut down on time and significantly reduce costs.

Mr. Chairman, full and open competition is the key to efficiency and fairness in Federal procurement. it creates a level playing field upon which all qualified vendors, particularly small businesses, have a fair chance to compete for a share of the hundreds of billions of dollars spent by the Federal Government in procurement each year. In return, the Government receives the maximum benefit from the innovations and expertise offered by companies large and small. We should maintain this standard, and make the targeted changes contained in my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 20 minutes.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment being offered by the gentlewoman from Illinois. Her amendment, although well intended, is misdirected in that it seeks to address in piecemeal fashion, and with process-oriented requirements, the restrictions that have been imposed upon the acquisition system by the current rigid competition standard.

Unfortunately, the amendment misses the point. There is simply no need for any of the patchwork provisions in this amendment if the source of the problems—the current competition standard—is addressed as it is in the Clinger-Spence-Kasich amendment.

Once again, Congress is striving to make the system work better and cost less, not impose more inflexibility upon a system already filled with too many exceptions to its rules. If we provide the needed flexibility as proposed by the Clinger-Spence-Kasich amendment, there will be little need for more legislative fixes.

I respectfully urge my colleagues to vote ''no'' on the Collins amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 6 minutes to the gentleman from South Carolina [Mr. SPRATT].

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Chairman, I spent 2 years of my life in defense procurement and what I learned mostly is how little I know. But I do know this: I would tread lightly when departing from the standard of full and open competition. So I rise to raise a caution flag as to the language in the bill before us and to commend the gentlewoman from Illinois [Mrs. COLLINS] our ranking member, for the amendment she is now offering, which I support.

For those Members of this body who do not remember the passage of CICA, who were not here, CICA is the Competition in Contracting Act, I think it is important to recall some of its successes.

CICA was a landmark piece of legislation which originated in the Congress, and originated in response to widely perceived abuses in the defense procurement arena which I need not enumerate here. CICA said in effect if we can have full and open competition, that we do not have to have post-award audits, because we can tell the public this has been vigorously competed and awarded in that manner. So it narrowed the exceptions to the use of full and open competition from 17 to 7. It required competition advocates to be established at each procurement activity as a way of checking routine use or abuse of any one of the exceptions to full and open competition. In effect, these advocates also served the role of breaking the code on how to do business with the Defense Department for firms that have not been bidders in the past. It required that notices of intent to procure be published daily in the Commerce Business Daily so that industry as a whole, the whole spectrum, would know of upcoming procurements, not just some selected groups. It reformed the protest procedure so that losing bidders could self-police the system, make it more competitive.

What are the results after about 10 years?

□ 1130

As a result of CCA, the Competition in Contracting Act, the Navy more than doubled the annual value of its competitive awards going from $9 billion in fiscal 1982 to $21 billion in fiscal 1994. The Army increased the percentage of its competitive actions from 40 percent in 1982 to 88 percent in fiscal year 1994. At a time when the investment accounts, procurement and R&D were declining, those are significant results, Mr. Chairman. I would not like to see us make the mistake today of turning back from this vigorous competition which we have been able to build into our system.

Yet we have here before us an act which uses a new term, maximum practicable competition. I am told it was used in prior law. But when the gentlewoman from Illinois [Mrs. COLLINS], as the ranking member, was going

through this legislation in the process of the first hearing on it and she simply asked a question for starters to the board of industry people who were testifying, what does it mean, not one of them could articulate a definition that was usable in practice.

Then it provides, in addition to narrowing down competition from free and open to maximum practicable, it provides for a verification system so that certain contractors will become select contractors, and an elite set, a club of contractors. That is a very important and potentially dangerous step. It is potentially a move away from free and open competition all the way to cartelization. This is not streamlining potentially. It is potentially setting up a cartelized club of competitors, the established defense contractors.

So I ask the question: What is the definition? What are the criteria for getting in this select club, being a verified contractor? Once again, we could not get from the witnesses before us an elaboration of what this meant. It is all left to the discretion of the procurement agencies.

Let me tell you, we have found in the past that these procuring officers and these procuring activities and these procurement agencies do indeed wanted to streamline what they do. They would like to simplify. Vigorous competition comes down as a burden on their back to bear. They like to make it as simple and direct as possible.

But we have to be careful here that, as we move to streamline, before just willy-nilly putting provisions like these in the code and turning back on something that has worked well, we will move, I fear, from competition to cartelization.

There are other things in here: commercial exceptions for commercial buying which I support but we need better definition. We are moving away from using GAO and the dispute resolution process to a new appellate procedure. I have not any idea whether that is a good idea or not. I will say to the chairman I was there until midday with the hearing, I could not stay for the rest of the hearing. It may well have been worked out then. I am not criticizing him or the committee. I am simply raising a caution flag saying, let us be diligent, let us be careful, let us do the right thing here.

Our objective in this bill and in the years ahead is to defend the country for about $250 to $260 billion. That is a lot less money than it used to be, but it is still a lot of money. If we are not—we simply cannot do what we need to do, fund four military services, if we spend the money the way we spent it in the 1980's. We have to spend it smarter than we did in the 1980's. We should take care here that we do not build into title 10 of the code a bias toward high cost contractors who bid without the fear or discipline of rigorous competition and charge us more than we have to pay, or we will undo the whole quest that lies before us in this bill.

So the gentlewoman and I are saying is that, when we go into the markup, I support the gentlewoman's amendment, I think it is a substantially positive improvement to this bill and hope everybody will vote for it. But as we go into the markup of this bill, I think it still needs a thorough scrubbing.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS], a very excellent freshman member of the Committee on National Security.

Mr. CHAMBLISS. Mr. Chairman, I rise in opposition to the Collins amendment.

Mr. Chairman, the Clinger-Spence acquisition reform amendment will finish the job begun by the Congress last year. Consider the changes proposed by the amendment:

Changing competition requirements so that they are reasonable, establishing commercial-like procedures for Government procurement, reforming procurement integrity so that it no longer stifles the process—making American companies more competitive on the international market—streamlining the burdensome certification process, and consolidating the many dispute resolution mechanisms into a single review board.

These are all commonsense answers to the very real problem of red tape and an overly bureaucratic procurement process. This Congress is finally applying real-world family and business practices to our budgets and our administration of Federal programs. Why not apply these standards to Federal purchasers?

I commend Chairmen SPENCE and CLINGER for working so hard to bring this needed change to Government. Support the Clinger-Spence amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY], the ranking member of the subcommittee.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in strong support of the Collins amendment.

This amendment preserves the standard of full and open competition in Federal procurement, but it does so while adding needed reforms to the process, which bring Government acquisition closer to commercial buying practices.

Full and open competition is at the heart of the free-market system. In the Federal procurement process, it guarantees that the Government gets the best value for the goods and services that it purchases. The full and open competition standard has been law for over a decade. It was enacted as part of the Competition in Contracting Act of 1984. That bill was a response to the fraud and abuse which characterized Federal procurement at the time.

We all are familiar with the scandals of the late 1970's, the $1,000 hammers, the $500 scarves. Chairman CLINGER's amendment would replace the full and open competition standard with something called maximum practicable competition. What is that? In fact, not one witness at the only hearing held on the legislation could define what maximum practicable competition meant.

I find this lack of definition extremely troubling. How can we debate something when we do not even know what it means?

Mr. Edward Black at our hearing on this amendment called this lack of definition, and I quote, ''a breeding ground for litigation.''

Which is hardly simplified procedure.

Doing business with only a few well-known firms is certainly easier than considering all responsible sources, but such a system would certainly cost the American taxpayer money in the form of higher prices. Adopting the proposed standard of maximum practicable competition would also make it much harder for small businesses to compete for Government contracts.

Small businesses make up the heart of our economy, generating 85 percent of all new jobs. Putting small businesses at a disadvantage in the Federal procurement system is not only unfair, it makes no economic sense.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. BASS], another valued freshman member of our committee and a strong supporter of the Clinger amendment.

Mr. BASS. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Illinois and in favor of the Clinger-Spence-Kasich amendment as it has been originally offered.

The Collins amendment strikes three of the four sections in the Clinger-Spence-Kasich amendment and waters down the remaining section, section 801. The provisions of the original amendment that we are considering here today are not new. They have been around essentially in their present form since the mid-1980's. As it is, we have debated now the concept of trying to make it possible not only to have competition in procurement but to allow for normal business people like me or anybody else to be involved in the process. The fact is, that the Clinger-Spence-Kasich amendment provides flexibility for vendors and buyers. It eliminates delays in procurement, and it reduces the overall cost of a $200 billion procurement system that we have in place today.

What the Collins amendment would do would go back 90 or 98 percent of the way to the present system that we have today. I would submit to my colleagues that the arguments that we hear about increased competition are really the results of micromanaging. What happens is that we cannot compete unless we have experts and professionals who know how to deal with the

cumbersome and difficult process. Although it may seem like we are loosening up the rules, what we are in effect doing is providing this needed flexibility so that more people can become involved in the process.

The fact is that we, the sponsors of the Clinger-Spence-Kasich amendment, believe that individuals should have more flexibility to set the rules so that more individuals can compete in the process and that we can reduce the costs and get more vendors involved in the process in the first place.

So it is for this reason that I rise in opposition to the Collins amendment and in strong support of the Clinger-Spence-Kasich amendment.

The CHAIRMAN. The gentlewoman from Illinois [Mrs. COLLINS] has 2½ minutes remaining, and the gentleman from Pennsylvania [Mr. CLINGER] has 16 minutes remaining. The gentlewoman from Illinois [Mrs. COLLINS] has the right to close.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER], a leader on the Committee on National Security.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

My colleagues, for those who have complained about the $600 hammer, you are buying the $600 hammer today. You are paying for it. The difference is you are paying for part of it from the vendor and you are paying for the rest of it in the 300,000-person army that is the Pentagon bureaucracy that oversees this so-called competition.

We are only spending about $40 billion a year in major weapons procurement. We are spending $30 billion a year, almost as much, in this army of personnel who are needed to oversee this very complex, heavily-regulated paperwork heavy system that we have created. So you are buying a $600 hammer, do not fool yourself. You are buying it right now.

That means when you buy an aircraft that cost $200 million, you pay the Pentagon $100 million for the service of purchasing the aircraft. We are not going to be able to cut down this army, which is incidentally twice the size of the U.S. Marine Corps, if we do not cut the corresponding amount of paperwork at the same time.

Please defeat the Collins amendment.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. DAVIS], chairman of the Subcommittee on the District of Columbia and a very valued member of the full committee.

Mr. DAVIS. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise to speak today to oppose the Collins amendment. I do not think I have heard so much misunderstanding or misinformation about any amendment in my brief tenure here in the House as I heard today.

I was a procurement lawyer for 15 years for both small businesses and large businesses, general counsel for each. And this has nothing to do with the $7,000 toilet seats or the $600 hammer. Some of these came well after the 1984 CCA Act and Procurement Integrity Act to try to get at those later. I am happy to see both sides are going to agree that those ought to be repealed here today.

The rhetoric here today has been that this legislation hurts small business and that the Collins amendment somehow fixes this by restoring us back to the status quo.

Actually, I think the opposite is the case. Proponents of the amendment will argue that it leads to more sole sourcing. We have got plenty of sole sourcing right now. Nothing in the Clinger amendment also allows or permits, let alone mandates, that a company be excluded from competition because of its size.

You can be eliminated because of your capability, but that is in the current law as well. That happens under current law and the Collins amendment as well. So if a company is not in the competitive range, the key here is that this defines that competitive range a little earlier. But any small business who wants to bid has ample access to the competition under this bill.

Nothing here states or allows or mandates that big companies, well-known big companies bid on these projects and not small companies. That is just rhetoric. There is nothing here that states that or indicates that at all.

□ 1145

The current code has seven justifications or exceptions to allow sole source, but you can still have it, and we do very often. Under the Clinger amendment, we still have approvals and justifications for the sole source here, but what we have done, instead of pages of statute going through this, we give the contracting officer more discretion, and that contracting officer's discretion is then subject to review as well. So there are plenty of protections for businesses who think they are in the competitive range but are found otherwise by the contracting officer.

The standard of the Clinger amendment is a dynamic one, not a statutory, static-driven one. We talk about reinventing Government and empowering the employee at the window or at the customer service desk to make the decisions. That is what the Clinger amendment is all about. That is what the Collins amendment eliminates.

The issue, really, is, one, who is better equipped to handle complex, diverse, and specialized procurements, a one-size-fits-all Federal statute, or the Government buyer who is responsible for procuring a specialized service with a dwindling agency budget and procuring it within that budget?

Small businesses and large businesses waste millions annually chasing rainbows, going after procurements that they cannot perform or that they cannot possibly win due to misinformation and by opening up the process to an extent early on that forces them to spend money, where if they knew more, they probably would not get into it. They are going after contracts they do not have a chance to win.

Getting that word earlier in the process is good public policy, and it is good for business, all business, large business, minority businesses, small businesses. Passing the Collins amendment is a return to a longer procurement process, a more costly procurement process, for Government and for business, and more bid protests and delays in final awards. That is a step backward at this time, when we are tightening our belts at the agency level, the Federal level, and it is also a step backward for businesses who want to go after meaningful competition and go after contracts that they can afford to compete in and win.

I think this is an outstanding acquisition reform amendment of the gentleman from Pennsylvania [Mr. CLINGER] and the gentleman from South Carolina [Mr. SPENCE], and I am happy to support it as it is, and I oppose the Collins amendment.

Mr. CLINGER. Mr. Chairman, may I inquire of the gentlewoman from Illinois if she has additional speakers?

Mrs. COLLINS of Illinois. I would say to the gentleman from Pennsylvania, I have one additional speaker, and I would like to close after the gentleman has finished.

Mr. CLINGER. The gentlewoman has one additional speaker and then she will close?

Mrs. COLLINS of Illinois. I have one additional speaker that will close.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE], a member of the committee.

Mr. BLUTE. Mr. Chairman, I rise today in opposition to the Collins amendment, and urge my colleagues to vote against it. The amendment furthers the notion that Congress is in the business of micromanaging the operations of the executive branch and dilutes the fundamental reforms included in the Clinger-Spence-Kasich amendment. The Clinger-Spence-Kasich amendment would provide the much-needed flexibility to Government buyers to seek meaningful competition among sources who meet or exceed the government's requirements. To do this, we are eliminating much of the current maze of statutory requirements and restrictions which, over the years, have been imposed on our government purchasers.

To some, this is alarming—we are moving away from a well-known system to one that requires thought and creativity. We expect our Government buyers to make rational business judgments instead of blindly following arcane procedures when making purchasing decisions.

Unfortunately, Mrs. COLLINS' amendment would counter our drive to

streamline and simplify the system. Instead, her amendment adds more requirements and more direction and more micromanaging.

Mr. Chairman, I urge my colleagues to vote ''no'' on the Collins amendment and to support the Clinger amendment.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must reluctantly rise in opposition to the amendment of my ranking minority member, the gentlewoman from Illinois [Mrs. COLLINS]. I certainly am very grateful and appreciate her willingness to address the problem. She has made a very good faith and a very instructive effort to address the problem within the procurement system, and I also commend her for her sensitivity to issues which were raised at the hearings. However, I cannot support the approach. I think this does represent a fundamental difference in dealing with this question of acquisition reform.

The Clinger-Spence-Kasich amendment would provide, I think, very much needed flexibility to Government buyers to maximize competition in a way that is consistent with their particular and unique requirements. To do this, we would eliminate much of the current underbrush, thicket if you will, of statutory requirements and restrictions which over the years have been placed on government purchasers.

To some, I can understand, this is alarming. We are moving away from a very well-known system to one that requires perhaps more thought, more creativity, would eliminate sort of the knee-jerk reaction to look at the regulations and say ''This is what we have to do.'' We will now be expecting our Government buyers to use their heads, their heads, instead of a rule book while making purchasing decisions. I think the Clinton administration would call this empowering of the government work force to do their jobs. This is what we have tried to do in this amendment, stop micromanaging, stop trying to predict everything that a purchaser might have to deal with, give them some flexibility to ensure that the Government gets its money's worth.

Unfortunately, the amendment of the gentlewoman from Illinois would strike from our amendment all the provisions which eliminate the statutory underbrush and drive the fundamental changes. Instead, her amendment really adds more of the same, more requirements and direction to the government purchaser. The objective, I think, is meritorious. The objective is one we are both trying to achieve. My only objection is that we are adding additional requirements on the purchaser, things they have to comply with, levels they have to meet before they can make that decision.

Some have raised the issue that our amendment may unfairly exclude small businesses from the Government marketplace. That, Mr. Chairman, is simply wrong. As I have alluded to in the handout from the Small Business Task Force, it is really full of misinformation, and I am hopeful that we can address their concerns and the misinformation which they are promulgating here during the time we have before markup next week.

This will not exclude small businesses from the marketplace. It really is wrong. This amendment does not in any way inhibit small businesses from participating in the Federal marketplace. It does not amend or change any small business, small disadvantaged business, or woman-owned business program. Some would have liked to have addressed those issues, and we did not deliberately, we stayed away from getting into that whole thicket.

It does not eliminate notification of Federal contracting opportunities, and it does not, I would stress again, it does not encourage sole source contracting. Again, while I do commend the gentlewoman from Illinois for her effort, and we have been working in a very cooperative effort on this whole question of procurement reform, both in the last Congress and in this Congress, and I have been very grateful for the cooperative effort that we have seen, I have to oppose her amendment. It is one that we both feel strongly on our sides of it, because it does treat, in my view, symptoms of the problem, instead of attacking its source.

There is simply no need for any of the patchwork provisions that I think are in the Collins amendment if the source of the problem, which is the current competition standard, is refined by the Clinger-Spence-Kasich amendment.

I would just say, Mr. Chairman, that it has been suggested that this is some attempt to sort of backdoor the process, to jam the circuits, to ramrod something through here without due consideration. Respectfully, with regard to some in the full committee's concern about the process, I respect that, but I would just assure all those that have been concerned about that, that is not this gentleman's intention.

My intention is to assure that we will have action on procurement reform in this Congress. I can only absolutely assure myself and the other Members that we will have action on it, if it is included in this bill. If it goes as a freestanding bill, I cannot be assured that the other body will deal with this in that fashion, so the purpose of this is really to establish the fact that we will have action on procurement reform, which I think we all want, that we are all desirous of moving beyond what we did last year.

What I have always committed to, however, is that as we move through this process, and as we go next week to a markup in the committee, that we will have an opportunity to consider these matters further. I have also pledged that if there are amendments as we go through the process, either at the committee, and then the bill will be back here on the floor, I have requested the majority leader to provide time for us to consider this measure as a freestanding bill in this session.

When we have completed the process here, all of the amendments that may be adopted in that exercise will be included, and I would pledge this, and the chairman agrees to that, will be included in any conference report that comes out of the DOD authorization.

I will just reiterate again, this is not an attempt to short-circuit the process, it is not an attempt to defeat the good intentions that people have, it is merely an attempt to ensure that all of us get what we all want, which is procurement reform.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I still must express my concern, because the gentleman has said repeatedly today that we are going to take this procurement bill up in committee on the 21st day of June, which is next week. We are talking about procurement now. As far as I am concerned, it is a backdoor procedure, because we have not had a markup on the procurement bill. We have not had a markup on this section of the bill that the gentleman wants to be put into the defense authorization bill.

It seems to me that without having had any kind of markup at all, or when we do go to markup, as the gentleman has said, we will inherit whatever amendments that will have been passed today on procurement as an integral part of the bill which we will be remarking up on June 21 of next week, which is backward. It is not the legislative process that we have always worked on in this House of Representatives. We have put the cart before the horse, and the cart is running away with it.

Mr. CLINGER. If I may reclaim my time, Mr. Chairman, I would just again reiterate that if in fact we are going to make changes, and they may well happen, that I would pledge to the gentlewoman and to all the Members that those changes will be incorporated in the ultimate product that comes out of this process.

Mr. Chairman, I would at this time urge the defeat of the Collins amendment, well-intentioned as it may be, and urge the support of the Clinger-Spence-Kasich amendment.

Mr. Chairman, I yield back the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I would ask the Chair how much time I have remaining.

The CHAIRMAN. The gentlewoman from Illinois [Mrs. COLLINS] has 2½ minutes remaining.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 2 minutes to close to the gentlewoman from Kansas [Mrs. MEYERS], chairman of the Committee on Small Business.

(Mrs. MEYERS of Kansas asked and was given permission to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Chairman, there has been a good debate today, and a lot of comments about $435 hammers, but the fact is that the Clinger amendment does away with full and open competition. And, the Clinger amendment would permit the use of simplified procedures, three phone calls, for commercial items, without any dollar limitation.

The gentleman from Pennsylvania [Mr. CLINGER] said that he will go to markup next week, but he will go to markup if his amendment passes with these provisions already in the DOD authorization bill, provisions which small business opposes. By adopting the Collins amendment, the bill will go to markup, but the House will preserve full and open competition, and eliminate other changes approved by small business.

The Small Business Working Group on Procurement Reform opposes the Clinger amendment. The Small Business Working Group includes NFIB, National Small Business United, the Small Business Legislative Council, the National Association of Women Business Owners, and several other groups.

The Associated General Contractors have written a letter in opposition to the Clinger amendment.

Listen to what they say: ''The Clinger amendment as a freestanding bill was introduced May 18 and was the subject of one hearing, which did not include testimony from the construction industry, and has not moved through the markup process. Changing the competition standard away from full and open competition to something less invites potential for subjectivity, favoritism, and abuse. Please, vote ''no'' on the Clinger amendment. I am sure they would support the Collins amendment, which preserves full and open competition, and would want the Federal Acquisition Reform Act to go to markup with the changes reflected in the Collins amendment.

The landmark Competition in Contracting Act of 1984, CICA, which established the full and open competition standard, and prescribed deterrents to noncompetitive contracting, has increased competition in the award of Government contracts. Prior to CICA 60 percent of Government contracts were sole sourced. Today, more than 70 percent are competitive.

Now the Clinger amendment wants to go back to the pre-CICA standard. Competition increases quality and checks cost growth. Work by the GAO, the Department of Defense IG, and the major DOD buying activities all demonstrate savings averaging 25 percent when a buy is competitive, rather than sole-source.

Evidence of excessive competition has never been established by anything more than isolated anecdotal examples. In contrast, the Advisory Panel on Codifying and Streamlining Defense Acquisition Laws, this is a group comprised of recognized procurement experts from Government and the private sector, which made an 18-month study and an 1,800-page report, that provided the analytical foundation for last year's Federal Acquisition Streamlining Act, specifically reviewed and rejected the idea of abandoning the full and open competition standard.

□ 1200

Mr. Chairman, I would urge my colleagues to vote for the Collins amendment and oppose the Clinger amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. It is the Chair's understanding that the original amendment offered by the gentleman from Pennsylvania [Mr. CLINGER] was in a modified form which was at the desk with the concurrence of the gentlewoman from Illinois [Mrs. COLLINS] pursuant to section 4(a) of House Resolution 164.

The question is on the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS] to the amendment, as modified, offered by the gentleman from Pennsylvania [Mr. CLINGER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 207, not voting 14, as follows:

[Roll No. 371]

AYES—213

Abercrombie	Dingell	Jacobs
Ackerman	Dixon	Jefferson
Andrews	Doggett	Johnson (SD)
Baesler	Dooley	Johnson, E. B.
Baldacci	Doyle	Johnston
Barcia	Durbin	Jones
Barrett (WI)	Edwards	Kanjorski
Barton	Ehlers	Kaptur
Becerra	Ehrlich	Kelly
Beilenson	Engel	Kennedy (MA)
Bentsen	Eshoo	Kennedy (RI)
Bereuter	Evans	Kennelly
Berman	Farr	Kildee
Bevill	Fattah	Klink
Bilirakis	Fazio	LaHood
Boehlert	Fields (LA)	Lantos
Bonior	Filner	Leach
Borski	Flake	Levin
Boucher	Foglietta	Lewis (GA)
Brewster	Forbes	Lightfoot
Browder	Ford	Lincoln
Brown (CA)	Frank (MA)	Lipinski
Brown (FL)	Franks (NJ)	LoBiondo
Brown (OH)	Frost	Lofgren
Bryant (TX)	Furse	Longley
Bunn	Gejdenson	Lowey
Cardin	Gephardt	Luther
Clay	Gibbons	Maloney
Clayton	Gilchrest	Manton
Clement	Gilman	Manzullo
Clyburn	Gonzalez	Markey
Coleman	Gordon	Martinez
Collins (IL)	Green	Martini
Collins (MI)	Gunderson	Mascara
Condit	Gutierrez	Matsui
Conyers	Hall (OH)	McCarthy
Costello	Hamilton	McDermott
Coyne	Hastings (FL)	McHale
Cramer	Hefner	McKinney
Danner	Hilliard	McNulty
de la Garza	Hinchey	Meehan
DeFazio	Holden	Meek
DeLauro	Houghton	Menendez
Dellums	Hoyer	Meyers
Deutsch	Jackson-Lee	Mfume
Miller (CA)	Rahall	Stupak
Minge	Reed	Taylor (MS)
Mink	Reynolds	Tejeda
Moakley	Richardson	Thompson
Mollohan	Riggs	Thornton
Montgomery	Rivers	Thurman
Morella	Roberts	Torres
Nadler	Roemer	Torricelli
Neal	Rose	Towns
Ney	Roukema	Traficant
Oberstar	Roybal-Allard	Tucker
Obey	Rush	Upton
Olver	Sabo	Velazquez
Ortiz	Sanders	Vento
Orton	Sawyer	Volkmer
Owens	Schroeder	Vucanovich
Pallone	Schumer	Ward
Pastor	Scott	Waters
Payne (NJ)	Serrano	Watt (NC)
Payne (VA)	Skaggs	Waxman
Pelosi	Slaughter	Whitfield
Peterson (FL)	Spratt	Wise
Peterson (MN)	Stark	Woolsey
Pomeroy	Stenholm	Wyden
Porter	Stokes	Wynn
Poshard	Studds	Zimmer

NOES—207

Allard	Frisa	Norwood
Archer	Funderburk	Nussle
Armey	Gallegly	Oxley
Bachus	Ganske	Packard
Baker (CA)	Gekas	Parker
Baker (LA)	Gillmor	Paxon
Ballenger	Goodlatte	Petri
Barr	Goodling	Pickett
Barrett (NE)	Goss	Pombo
Bartlett	Graham	Portman
Bass	Greenwood	Pryce
Bateman	Gutknecht	Quillen
Bilbray	Hall (TX)	Quinn
Bliley	Hancock	Radanovich
Blute	Hansen	Ramstad
Boehner	Harman	Regula
Bonilla	Hastings (WA)	Rogers
Bono	Hayes	Rohrabacher
Brownback	Hayworth	Ros-Lehtinen
Bryant (TN)	Hefley	Roth
Bunning	Heineman	Royce
Burr	Herger	Salmon
Burton	Hilleary	Sanford
Buyer	Hobson	Saxton
Callahan	Hoekstra	Scarborough
Calvert	Hoke	Schaefer
Camp	Horn	Schiff
Canady	Hostettler	Seastrand
Castle	Hunter	Sensenbrenner
Chabot	Hutchinson	Shadegg
Chambliss	Hyde	Shaw
Chapman	Inglis	Shays
Chenoweth	Istook	Shuster
Christensen	Johnson (CT)	Skeen
Chrysler	Johnson, Sam	Skelton
Clinger	Kasich	Smith (MI)
Coble	Kim	Smith (NJ)
Coburn	King	Smith (WA)
Collins (GA)	Kingston	Solomon
Combest	Klug	Souder
Cooley	Knollenberg	Spence
Cox	Kolbe	Stearns
Crane	Largent	Stockman
Crapo	Latham	Stump
Cremeans	LaTourette	Talent
Cubin	Laughlin	Tanner
Cunningham	Lazio	Tate
Davis	Lewis (CA)	Tauzin
Deal	Lewis (KY)	Taylor (NC)
DeLay	Linder	Thomas
Dickey	Livingston	Thornberry
Dicks	Lucas	Tiahrt
Doolittle	McCollum	Torkildsen
Dornan	McCrery	Visclosky
Dreier	McDade	Waldholtz
Duncan	McHugh	Walker
Dunn	McInnis	Walsh
Emerson	McIntosh	Wamp
English	McKeon	Watts (OK)
Ensign	Metcalf	Weldon (FL)
Everett	Mica	Weldon (PA)
Ewing	Miller (FL)	Weller
Fawell	Molinari	White
Flanagan	Moorhead	Wicker
Foley	Moran	Williams
Fowler	Murtha	Wolf
Fox	Myers	Young (AK)
Franks (CT)	Nethercutt	Young (FL)
Frelinghuysen	Neumann	Zeliff

NOT VOTING—14

Bishop	Kleczka	Sisisky
Diaz-Balart	LaFalce	Smith (TX)
Fields (TX)	Mineta	Wilson
Geren	Myrick	Yates
Hastert	Rangel	

□ 1223

The Clerk announced the following pair:

On this vote:

Mr. Mineta for, with Mrs. Myrick against.

Messrs. HALL of Texas, YOUNG of Alaska, DUNCAN, ALLARD, and SCARBOROUGH changed their vote from ''aye'' to ''no.''

Messrs. BEVILL, ROBERTS, MARTINI, BUNN, GENE GREEN of Texas, RIGGS, and LONGLEY changed their vote from ''no'' to ''aye.''

So, the amendment to the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Chairman, on rollcall No. 371, I was unavoidably detained.

Had I been present, I would have voted ''no.''

The CHAIRMAN. The Chair will allocate the remaining time.

The gentlewoman from Illinois [Mrs. COLLINS] has 4 minutes remaining, the gentleman from Pennsylvania [Mr. CLINGER] has 30 seconds remaining, and the gentleman from Pennsylvania has the right to close.

Mrs. COLLINS of Illinois. Mr. Chairman, inasmuch as my amendment has passed, I have no comments at this point in time and will vote for the Clinger amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER], as modified, as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 1, not voting 13, as follows:

[Roll No. 372]

AYES—420

Abercrombie	Barton	Bono	Calvert	Gillmor	McCrery	Shadegg	Talent	Vucanovich
Ackerman	Bass	Borski	Camp	Gilman	McDade	Shaw	Tanner	Waldholtz
Allard	Bateman	Boucher	Canady	Gonzalez	McDermott	Shays	Tate	Walsh
Andrews	Becerra	Brewster	Cardin	Goodlatte	McHale	Shuster	Tauzin	Wamp
Archer	Beilenson	Browder	Castle	Goodling	McHugh	Sisisky	Taylor (MS)	Ward
Armey	Bentsen	Brown (CA)	Chabot	Gordon	McInnis	Skaggs	Taylor (NC)	Watt (NC)
Bachus	Bereuter	Brown (FL)	Chambliss	Goss	McIntosh	Skeen	Tejeda	Watts (OK)
Baesler	Berman	Brown (OH)	Chapman	Graham	McKeon	Skelton	Thomas	Waxman
Baker (CA)	Bevill	Brownback	Chenoweth	Green	McKinney	Slaughter	Thompson	Weldon (FL)
Baker (LA)	Bilbray	Bryant (TN)	Christensen	Greenwood	McNulty	Smith (MI)	Thornberry	Weldon (PA)
Baldacci	Bilirakis	Bryant (TX)	Chrysler	Gunderson	Meehan	Smith (NJ)	Thornton	Weller
Ballenger	Bliley	Bunn	Clay	Gutierrez	Meek	Smith (WA)	Thurman	White
Barcia	Blute	Bunning	Clayton	Gutknecht	Menendez	Solomon	Tiahrt	Whitfield
Barr	Boehlert	Burr	Clement	Hall (OH)	Metcalf	Souder	Torkildsen	Wicker
Barrett (NE)	Boehner	Burton	Clinger	Hall (TX)	Meyers	Spence	Torres	Williams
Barrett (WI)	Bonilla	Buyer	Clyburn	Hamilton	Mfume	Spratt	Torricelli	Wise
Bartlett	Bonior	Callahan	Coble	Hancock	Mica	Stark	Towns	Wolf
			Coburn	Hansen	Miller (CA)	Stearns	Traficant	Woolsey
			Coleman	Harman	Miller (FL)	Stenholm	Tucker	Wyden
			Collins (GA)	Hastings (FL)	Mineta	Stockman	Upton	Wynn
			Collins (IL)	Hastings (WA)	Minge	Stokes	Velazquez	Young (AK)
			Collins (MI)	Hayes	Mink	Studds	Vento	Young (FL)
			Combest	Hayworth	Moakley	Stump	Visclosky	Zeliff
			Condit	Hefley	Molinari	Stupak	Volkmer	Zimmer
			Conyers	Hefner	Mollohan			
			Cooley	Heineman	Montgomery			
			Costello	Herger	Moorhead			
			Cox	Hilleary	Moran			
			Coyne	Hilliard	Morella			
			Cramer	Hinchey	Myers			
			Crane	Hobson	Nadler			
			Crapo	Hoekstra	Neal			
			Cremeans	Hoke	Nethercutt			
			Cubin	Holden	Neumann			
			Cunningham	Horn	Ney			
			Danner	Hostettler	Norwood			
			Davis	Houghton	Nussle			
			de la Garza	Hoyer	Oberstar			
			Deal	Hunter	Obey			
			DeFazio	Hutchinson	Olver			
			DeLauro	Hyde	Ortiz			
			DeLay	Inglis	Orton			
			Dellums	Istook	Owens			
			Deutsch	Jackson-Lee	Oxley			
			Diaz-Balart	Jacobs	Packard			
			Dickey	Jefferson	Pallone			
			Dicks	Johnson (CT)	Pastor			
			Dingell	Johnson (SD)	Paxon			
			Dixon	Johnson, E. B.	Payne (NJ)			
			Doggett	Johnson, Sam	Payne (VA)			
			Dooley	Johnston	Pelosi			
			Doolittle	Jones	Peterson (FL)			
			Dornan	Kanjorski	Peterson (MN)			
			Doyle	Kaptur	Petri			
			Dreier	Kasich	Pickett			
			Duncan	Kelly	Pombo			
			Dunn	Kennedy (MA)	Pomeroy			
			Durbin	Kennedy (RI)	Porter			
			Edwards	Kennelly	Portman			
			Ehlers	Kildee	Poshard			
			Ehrlich	Kim	Pryce			
			Emerson	King	Quillen			
			Engel	Kingston	Quinn			
			English	Klink	Radanovich			
			Ensign	Klug	Rahall			
			Eshoo	Knollenberg	Ramstad			
			Evans	Kolbe	Rangel			
			Everett	LaHood	Reed			
			Ewing	Lantos	Regula			
			Farr	Largent	Reynolds			
			Fattah	Latham	Richardson			
			Fawell	LaTourette	Riggs			
			Fazio	Laughlin	Rivers			
			Fields (LA)	Lazio	Roberts			
			Filner	Leach	Roemer			
			Flake	Levin	Rogers			
			Flanagan	Lewis (CA)	Rohrabacher			
			Foglietta	Lewis (GA)	Ros-Lehtinen			
			Foley	Lewis (KY)	Rose			
			Forbes	Lightfoot	Roth			
			Ford	Lincoln	Roukema			
			Fowler	Linder	Roybal-Allard			
			Fox	Lipinski	Royce			
			Frank (MA)	Livingston	Rush			
			Franks (CT)	LoBiondo	Sabo			
			Franks (NJ)	Lofgren	Salmon			
			Frelinghuysen	Longley	Sanders			
			Frisa	Lowey	Sanford			
			Frost	Lucas	Sawyer			
			Funderburk	Luther	Saxton			
			Furse	Maloney	Scarborough			
			Gallegly	Manton	Schaefer			
			Ganske	Manzullo	Schiff			
			Gejdenson	Markey	Schroeder			
			Gekas	Martini	Schumer			
			Gephardt	Mascara	Scott			
			Geren	Matsui	Seastrand			
			Gibbons	McCarthy	Sensenbrenner			
			Gilchrest	McCollum	Serrano			

NOES—1

Martinez

NOT VOTING—13

Bishop	Murtha	Waters
Fields (TX)	Myrick	Wilson
Hastert	Parker	Yates
Kleczka	Smith (TX)	
LaFalce	Walker	

□ 1245

So the amendment, as modified, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Chairman, on rollcall No. 372, I was unavoidably detained.

Had I been present, I would have voted ''aye.''

I ask unanimous consent that my statement appear in the RECORD immediately following that rollcall vote.

The CHAIRMAN. It is now in order to debate the subject matter of ballistic missile defense.

The gentleman from South Carolina [Mr. SPENCE], and the gentleman from California [Mr. DELLUMS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, H.R. 1530, the National Defense Authorization Act for fiscal year 1996, includes several important recommendations concerning ballistic missile defense. These actions are consistent with the committee's effort to bolster the modernization accounts that have been dramatically underfunded by the Clinton administration after a decade of decline.

First, the bill provides increased funding for theater and national missile defense systems—those designed to protect our troops deployed overseas as well as Americans at home. These additional funds are necessary to accelerate critical BMD programs that have been delayed as a result of significant cuts in the missile defense budget implemented by the Clinton administration over the past 3 years.

Programs that received increased funds include the Navy's theater missile defense systems, the Army's theater high altitude area defense system, and ground-based weapons and sensors that would comprise an initial national missile defense system.

Second, the bill recommends that ''affordable'' defenses be deployed ''at the earliest practical date''—thus, making deployment of defenses a top priority while simultaneously taking into account cost and technological maturity considerations.

Third, the bill calls upon the President to halt the administration's apparent efforts to turn the 1972 Anti-Ballistic Missile Treaty into an ABM–TMD Treaty that would impose limitations on advanced U.S. theater missile defense systems. It also establishes policy to ensure that the ABM Treaty is not used to constrain U.S. theater missile defense programs.

For these reasons, Mr. Chairman, H.R. 1530 represents an aggressive yet responsible response to the growing threat posed by the proliferation of missiles and weapons of mass destruction. It has staked out a supportable and sustainable position.

The Spratt amendment to H.R. 1530, on the other hand, would represent a significant step backward from the committee's bipartisan position. The Spratt amendment would undermine the policy priorities established in H.R. 1530 by elevating compliance with the ABM Treaty to an equal status with the deployment of a highly-effective defense of the United States. In essence it would hold the effective defense of our territory hostage to Moscow's concurrence. A similar amendment was offered in full Committee, and it was defeated on a bipartisan vote of 18 to 33. Therefore, I urge my colleagues to vote ''no'' on the Spratt amendment.

A second amendment, this one to cut BMD funding, will be offered by Mr. DELLUMS or Mr. DEFAZIO. This amendment would eliminate the carefully crafted funding increases for both theater and national missile defense programs contained in the bill—investments which are specifically targeted toward programs that would provide highly effective defenses.

I strongly urge my colleagues to support the bipartisan committee position and vote ''no'' on the Spratt and Dellums-DeFazio amendments.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent to allow my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT], to control 15 minutes of the 30 minutes that have been allocated to me.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. SPRATT] for 15 minutes.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding this time to me, and, Mr. Chairman, I would like to speak just briefly now, and more detail later, about the amendment I will offer when the time comes. I would like to highlight three reasons why my amendment ought to be supported.

First of all, the language in this bill is ambiguous about full compliance with the ABM Treaty, and I think that is the wrong signal to send to the Russians at this particular time. In the next 3, 4, 5 months the Russian Duma will decide whether or not it will ratify the START II Treaty and take the number of nuclear warheads in its arsenal from around 8,500 down to around 3,500.

Now reduction in 5,000 warheads will have a significant effect on the security of this country and the security of the whole world. There will be reciprocal reductions on all sides. That is a critical development, and we dare not do anything that would jeopardize it. If we rattle the cage, the ABM Treaty, if we suggest that we may be breaking out of it, not now, but in the future, sort of an anticipatory breach, if we send that signal to the Russians, then we will put an even greater risk than it already stands now, the ratification of START II, and that is not a good decision.

Second, by keeping START II on track not only do we improve our national security, we save money. Without START II we will have to keep in place our arsenal of 8 to 10,000 nuclear warheads on the sea, under the sea, on land. We will have to maintain a much larger arsenal, 8,500 warheads instead of 3,500 warheads, and obviously an arsenal with 3,500 warheads is much cheaper to maintain. So, if we are forced by the nonratification of START II to maintain an arsenal that really exceeds our needs, then in order to have strategic symmetry with the Russians we will have to pay substantial money that will come out of readiness, and modernization, and quality of life.

So, a vote for my amendment removes the ambiguity in the bill, does not signal the wrong signals to the Russians, and it means we can maintain a smaller arsenal and have more money to spend on things we need for conventional defense.

Third, by voting for my amendment, which simply calls for compliance with the IBM Treaty, we will not leave this country defenseless as some of the opponents to my amendment have claimed. We can put in a ground-based interceptor that will protect the continental United States. Right now the treaty allows it, and we can amend the treaty in the future to allow for more sites if we feel they are needed for the full coverage of the United States, Alaska, and Hawaii.

I have a letter from Sid Greybill, Nixon's top negotiator on the ABM Treaty, and I will leave it here in the House for any Member who wishes to see it. It has been sent out by ''Dear Colleague.'' Mr. Greybill supports my amendment, and he agrees that we can say fairly the ABM Treaty does not leave us defenseless. By its faults we can deploy a ground-based system which will give us ample defense.

The authors of the ballistic missile provisions in the markup asserted that it was not their intention to break out of the treaty, and I commend them for that. My amendment simply takes them at their word and puts provisions in black and white in this bill which simply say comply with the treaty, and to the extent that we do not find compliance in our national self-interest, then stay within the processes of the treaty and seek amendments, agreed statements and other modifications or changes to it. There is too much at stake to allow ambiguous language to stay in this bill.

I say to my colleagues, ''I urge you to support this amendment when it is offered.''

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, many Members may ask themselves, why should I support a defense against ballistic missiles when the cold war is over now? The answer, I think, lies somewhere both in the past and in the future. If we had a better defense against ballistic missiles, American servicemen would not have died in the barracks in Saudi Arabia. If we had pursued more strongly ballistic missile defense, perhaps Israel would not have sat in terror night after night waiting for Scuds as they rained down on them. Make no mistake. We should have learned our lesson in the Persian Gulf war about missile attacks.

Many Members will try to tell us that the threat is gone, that there are no bad guys anymore. There are approximately 30 countries with ballistic missile capabilities. Some of these nations are our allies. Many are unfriendly: China, Iraq, Syria, Iran, Libya, North Korea. Of the 30 nations which have ballistic missile capability, 8 are in the Middle East, and there are hot spots around the world where our troops could be deployed and are being deployed which are in the range of ballistic missiles from hostile countries. There are currently two nations which have the ability, and sometime in the future might even have the will, to launch an attack on the United States. Both Russia and China have this kind of ability.

I used to chuckle out of seeing a bumper sticker that the old nuclear-freeze crowd used to paste on their car. It said, ''One nuclear weapon can ruin your whole day.'' That is the only thing probably that I agreed with them on, but is it not interesting now that the Soviet threat is reduced these nay-sayers maintain that we do not need defense against that nuclear weapon that could ruin our day.

Rest assured, in the future an enemy can strike either U.S. troops or the U.S. mainland. It has happened before;

it will happen again. Be assured that our conscience, those of use that have fought for ballistic missiles defense, should be clear. I hope my colleagues' is, too. Vote against the Dellums-Spratt amendment. Vote for a strong ballistic missile defense program.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the Dellums-DeFazio amendment, which would reduce research and development funding for ballistic missile defense, and redirect these savings to improve the quality of life for our men and women in uniform.

In these tight-budget times, we must prioritize our defense needs, just as we are being forced to prioritize funding for child nutrition programs and education. The Clinton administration budget request is more than adequate to meet our missile defense needs. However, for more than a decade, the housing needs of our men and women in uniform have been neglected. Furthermore, over the years, we have seen an alarming number of American military personnel and their families living in hovels and forced to apply for food stamps.

As a member of the Military Construction Appropriations Subcommittee, I have been proud of the work of Chairman VUCANOVICH and ranking member BILL HEFNER to improve the quality of life for our men and women in uniform. This should be our No. 1 priority.

I urge my colleagues to fund our troops and their families' earthly needs before we spend more money in the heavens.

Mr. SAXTON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, up until quite recently we have never in our history intentionally rendered ourselves defenseless to devastating attacks as a matter of national defense policy, yet that is precisely what we did when we signed the ABM treaty in 1972 which made it illegal for the United States to defend itself against ballistic missile attack. Since that time we have also engaged in an unspoken national policy of not disclosing that strategy plainly to the American people.

Now, while that strategy of defenselessness as defense may possibly have been arguable in 1972, when we had only one, or perhaps two, ICBM nuclear-capable enemies, it is utterly without merit today when missile strikes can come now or will soon be capable of coming from any number of nations, 25-plus at last count. In the not-so-distant future it is not only conceivable, but frankly predictable and probable that self-appointed warlords from all over the world will be so armed and will be able to deliver warheads from mobile launchers in remote locations or from sea-based platforms, leaving no calling card to positively identify or verify the attackers.

□ 1300

Even if you can actually convince yourself of the validity of mutually assured destruction as a legitimate destruction strategy, it goes all to hell if you cannot identify the aggressor and do not know against whom to retaliate and whom to destroy. But suppose we did know who to destroy. Do we really want to depend on a strategy that trades New York or Los Angeles for Pyongyang, Damascus, Baghdad or Tehran? Would the American people really support such a policy?

All of which is to say that the policy of mutually assured destruction, or MAD, is just exactly that, and will be viewed in the long sweep of history as a particularly dumb idea which held sway under peculiar circumstances for a very brief period of time.

What is unconscionable is that the public has intentinally been kept in the dark, indeed defrauded of its right to know, that all of America, particularly her largest cities, are now the beta site for a bizarre experiment in national defense strategy that is right out of Dr. Strangelove.

Which brings me to the crux of the ethical issue, namely that it is just plain wrong to put the lives of a quarter billion Americans at risk to satisfy an outdated and outmoded treaty that most Americans know nothing about. The fact is that a substantial majority of U.S. citizens believe we have a complete and effective national defense against ballistic missiles and actually find it hard to believe that that is not the case when they are told otherwise. Who can blame them? Even the title of the ABM gives the false impression it is a treaty limiting ballistic missiles, when in fact it only forbids us to defend against them.

The question we should be asking is knowing the circumstances that exist in the world today, would we, de novo, without an ABM treaty, enact the ABM treaty that is on the books?

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 3 minutes.

Mr. KENNEDY of Massachusetts. Mr. Chairman, sometimes I wonder why we get ourselves into a partisan debate on an issue that seems to be so clear. The fact of the matter is that I am sure Democrats and Republicans alike, if in fact there was a real threat to this country through an all-out attack by other countries that we could realistically stop, both Democrats and Republicans would provide the funding that is necessary to stop it.

The reality is, that is not the situation. Certainly you can make out countries like Iran and Iraq and Syria and others to have the capability of launching a nuclear attack against the United States. All of our intelligence agencies suggest that that day is a long, long way off. You can spend billions of dollars of U.S. taxpayer money to prevent a threat that currently does not exist, or you can think about where you should spend your money effectively and use those dollars to deal with the real threat that this country has.

There is the capability before us today to sign a treaty that will eliminate by the stroke of a pen 5,000 nuclear warheads aimed at the United States of America. Why not do it? You say that you are tantamount to agreeing with the Spratt amendment that we are going to stay within the ABM treaty. But then speaker after speaker comes up here and argues why we should not stay in compliance with the ABM treaty, and it is President Bush, not President Clinton, that recognizes the direct linkage between ABM and START.

If you want to reduce the nuclear threat to the United States, stay within the ABM treaty. It makes sense. If in fact we get to a point where we need to look at increased threats from other countries, from rogue nations and the like, this process that has been put in place by this bill allows us, down the road, to deal with those threats. But let us not create monsters on paper or in the minds of the American people that simply do not exist according to our own intelligence data. Let us come up with the kind of defense that we need.

Mr. Chairman, I also want to suggest that in this bill, we have the capability of dealing with another issue that once again deals with the perceived threat versus the real threat. We are increasing over and above the request from the administration by over $1 billion the money that goes into national missile defense systems. This is a threat that again is not borne out by the reality of what our intelligence networks indicate.

We have a real problem with troops from this country that are having to go on food stamps and live at below-standard housing because we do not simply give them enough money to live on. Let us adhere to what the gentleman from California [Mr. DELLUMS] has attempted to do with the gentleman from Oregon [Mr. DEFAZIO], and take a few of the dollars that are going into a threat that does not exist and put them into the real needs of our troops so that we can have a strong military threat when it comes to the real indications that our intelligence networks tell us are our threats today. That is what I think we should do.

Mr. HUNTER. Mr. Chairman, I yield myself 1½ minutes to respond to my friend from Massachusetts.

Mr. Chairman, let me just tell my friend it was Mr. Woolsey, who was the director of CIA for this President, a Democrat President, who said that within 10 years there would be a number of nations that had the ability to

deliver intercontinental ballistic missiles to the United States. As the gentleman knows, who watched the Patriot missile being developed in his own State, it was started in 1962, I believe, and delivered for the battlefield shortly before Desert Storm, it takes about 10 years to develop a missile system, and especially a complex antimissile system. So the first question I would ask the gentleman is, Does it not make sense to start developing systems now, if in fact you think the threat will be there in 10 years?

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I do not think it makes sense for us to be developing the system. I think it certainly makes sense for us to research the system. But why buy a system off the shelf today?

Mr. HUNTER. Mr. Chairman, reclaiming my time, let me just complete my point. My point is it does not take 10 years to just research a system. It takes 10 years to research and build a defensive system. So if you do not start now, if you are going to have the threat in 10 years, you cannot just have bare research at the end of 10 years. You have to have something in place when that missile is launched. That is the point that I am making. That means it is logical to start building a defensive system at this point.

The last thing I would say is in 1987 a number of Republicans on the committee wrote the Nation of Israel, we wrote their defense minister. We said in a short period of time, at some point you are going to have Russian-made ballistic missiles from an Arab neighboring country coming into your country. We could not get any Democrat Members to sign it. We wanted it to be a bipartisan letter. They said the same thing you said, it is unrealistic. It was realistic, and a few years later it happened.

So I think the tradition in this body has been to underestimate the speed of technology and technology implementation by our adversaries. That is my point.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman from California yielding.

Mr. Chairman, my point is that, as I understand the intelligence networks' estimates, they say it would be a minimum of 10 years. Not in 10 years, they say a minimum of 10 years. The fact of the matter is that we are making great strides in our research programs that indicate that we will be able to put together a much more sophisticated system down the road apiece, maybe 2 or 3 years from now.

In the interim, as the gentleman from South Carolina [Mr. SPRATT] has indicated, it is very possible to deal with the short-term threat that is being posed by these renegade nations. None of them have the capability at this time of directly threatening the United States. The only one, as I understand it, would be China with a very small arsenal, which we could defend with less than 100 missiles.

So it seems to me that if you are going to deal with the real threat, you have a very clear path as to what you should do. If you are going to try to make a monster and then throw defense dollars at it, we can do as the gentleman from California is suggesting. I would deal with the real threat rather than the perceived threat.

Mr. HUNTER. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WELDON] for a response.

Mr. WELDON of Pennsylvania. Mr. Chairman, we are going to have to respond to these points as they are made on the floor. I have here articles in color, produced by the Russians in color, showing the missiles they are currently offering for sale. On the open market at the Abu Dhabi show, they offered the SS–25.

Mr. Chairman, for those who do not know what the SS–25 is, it is the 11,500-kilometer range missile that is the primary carrier of their nuclear weapons. They do not offer the nuclear weapons, but the architecture. The Israelis have already tried to launch a satellite using the SS–25. Any country that gets the SS–25 can hit any city in America with a chemical, biological, or conventional weapon. That is the threat, and it is real and it is today.

The CHAIRMAN. The gentleman from California [Mr. HUNTER] has 19 minutes remaining, the gentleman from California [Mr. DELLUMS] has 11½ minutes remaining, and the gentleman from South Carolina [Mr. SPRATT] has 9 minutes remaining.

Mr. DELLUMS. Mr. Chairman, I yield myself 5½ minutes.

First, I appreciate the comment by my colleague from Pennsylvania, Mr. WELDON. The gentleman and I have worked very closely together. I would simply say to the gentleman that when you lay out these arguments, it is precisely that side of the aisle that reduced funding for Nunn-Lugar that is designed to dismantle these nuclear weapons. So it is not, it seems to me, the height of responsibility to continue to attempt to frighten American people without dealing with the reality. Let's establish some reality here.

We have already spent, Mr. Chairman, in excess of $30 billion, not million, we have already spent in excess of $30 billion pursuing strategic defense initiative technology, ballistic missile defense technology. For the past few years, we have spent approximately $2.5 billion each year for theater missile defense. For the last few years we have been spending approximately $400 million per year, above and beyond the $30 billion that we just kept pouring down this rat hole, to develop a national missile defense system. Fact. If you take the time to understand the architecture, whether you agree with it or not, at least take the time to understand the architecture of the administration's present program, $2.5 billion for theater missile defense, the last time I looked. That was no insignificant amount of money. Four hundred million dollars for national missile defense.

There is a contingency plan, Mr. Chairman, that in the event that a threat out there materialized that we needed to worry about in the near term, that we could move from where we are right now, research and development, to the deployment of an interim system within 18 to 24 months at somewhere at the level of about $5 billion. My colleagues were in the room, they all received the briefing, and all heard that testimony. We then could move beyond that. The administration's program does that as well.

So to stand here in some way to say to the American people we have not spent money, we spent over $30 billion in pursuit of a very difficult technology. In terms of theater missile defense, we have a robust, aggressive, an extraordinary program in theater missile defense, and there is now a program in national missile defense. But for the first time in a long time, this program now looks like a program.

For years, I would say to my colleague from California, we poured billions and billions and billions of dollars into star wars, and we did not get a lot back from it. Finally the Congress got up enough courage, enough intelligence, and enough discipline to force a program. Now it looks like, smells like, acts like a program.

So what happens once we get that discipline? Now we want to start pouring some more money in.

My final comment is this: I would hope that we never experience a nuclear explosion in this country. But I am prepared to debate with you that there is a greater likelihood that if a nuclear device exploded in this country, there is a much less likelihood that it would explode from some intercontinental ballistic missile.

□ 1315

Incidentally, we all know that some of these so-called rogue countries have that capability. But do you know now it would exhibit employed, by a terrorist act. The safest place to put a nuclear weapon is in a bale of marijuana. We cannot find it. You can fly it in here. You can backpack it in here. You can bring it in here on a commercial ship. You can reassemble it, bringing it in piece by piece, reassemble it in some tall building in this country and ignite the weapon.

We are spending billions of dollars going down the wrong road to solve the wrong problem. At the end of the day it is about nonproliferation. At the end of the day it is about ratification of

START II. At the end of the day it is about Nunn-Lugar, dismantling of these nuclear weapons. It is not about some pie-in-the-sky notion that we can knock down a whole bunch of missiles, spending billions of dollars. There is already a program designed to take us there intelligently, responsibly, and effectively. And we ought to stay within the confines of that.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I want to respond to the issue laid out by the gentleman from Pennsylvania [Mr. WELDON] that somehow or other these rogue states are going to be able to purchase these missiles that the Russians have on the open market.

First of all, not a single SS–25 has been sold. Second, there is no indication by anyone, I have never heard of any estimate that suggests any of these countries would have the capability of designing a reentry vehicle. There are only three countries in the world that have them: the United States as well as China and Russia.

I do not think that at this time any of these countries have the nuclear warheads. So you have got the potential of one of the three components that is necessary in order to do the damage that you suggested.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, we are not talking about the warheads. We are talking about an architecture, a system that gives a rogue country from a mobile launch system, the SS–25 is a mobile system. They have 400 launchers. They take that system to a rouge nation and fire a missile at any city in our country. That capability is there.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, the fact of the matter is that again you are blowing smoke. What we are talking about is whether or not they have the three components that are necessary to actually hurt the United States. They only have one in theory.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. A fascinating debate.

When we last visited this discussion, this compelling debate 2 years ago, I made a very brief statement on the House floor. I am proud to tell my colleagues it is framed on the wall in small letter picture frames at the ballistic missile defense office.

Here is what it says, I doubt they are going to frame anything from the other side once more, it says,

> Right now we cannot defend against one single nuclear missile coming at our beloved country, not one. There is no reaction time, as we had with Hurricane Emily, no time for battening down the hatches or stockpiling food. If one single rogue nuclear missile hits our country, citizens will be marching on this capital as though it were Doctor Victor Frankenstein's castle, with the intent to burn us down.

I repeat what I said then: We would deserve that rough treatment because 72 percent of our fellow citizens do not know at this moment that we cannot stop a single missile from radiating one of our cities into ash.

Mr. SPRATT. Mr. Chairman, I yield myself 2 minutes. I would like to respond to several points that have been raised by various speakers in this debate.

First of all, Mr. Chairman, one of the speakers opened by saying if we had had this program in place and had been moving ahead of it, as though he were speaking in opposition to my amendment, we would not have suffered the casualties we suffered in the Persian Gulf. My amendment, first step says, our first priority is to deploy, and I quote,

> At the earliest practical date highly effective theater missile defenses to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement the missile defense capabilities of our allies and forces friendly to the United States.

This calls for the deployment at the fastest possible rate of the THAAD, the theater high altitude intercept system and the ERINT. I might say here, Mr. Chairman, that we are talking as if we did not have a program. The gentleman from California [Mr. DELLUMS], our ranking member, just reminded everyone, if you were here in the 1980's, we spent $35 billion on strategic missile defense in the 1980's. And now, today, we have 10 systems in development by my count, a PAC–2 upgrade, a Patriot 2 upgrade, a Patriot 3, the extended range interceptor, the theater high altitude interceptor, so-called the THAAD, an upper tier system which the Navy is developing, it is plussed up by $170 to $200 billion in this bill before, a lower tier system to protect the fleet, a CORSAM system to protect the Army land-based forces, a so-called MEADS system, which would be an interoperable adaptation of that that would be used throughout NATO, a Hawk upgrade for better air defense, a boost phase intercept system which is not yet developed but will be developed to a down select among three contractors in a few years, and the Arrow missile which we are helping the Israelis with.

In addition to that, on the strategic or national missile defense side provided for in this bill, we have a ground based interceptor, double the administration's request. And my amendment leaves that in place. We have lasers funded, chemical lasers, and we are fully funding and plussing up the request for Brilliant Eyes. That is a robust program, a step up of $800 million to $3.8 billion in this bill.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, my opposition to the Spratt amendment is founded on the fact that it would make the deployment of any highly effective workable national missile defense system contingent on gaining Russia's agreement to amend the treaty.

It is significant that this is a treaty, we need to remind ourselves, that was signed over 20 years ago with a party that no longer exists, the former Soviet Empire, by mandating that any necessary United States actions inconsistent with that treaty must first be negotiated with the Russians. It gives the Russians an effective veto over United States defensive deployments. But more importantly, it not only mandates a narrow view of the ABM treaty, a very specific interpretation that is contrary to American interests. It also takes a very narrow view of the threats that we face, not only from the missile development and technologies coming out of Russia and being exported to China but also to Iran, Iraq, North Korea, Libya, and any other rogue state that may come into being.

Furthermore, it also mandates a very narrow view of technology. I would submit with reference to the prior gentleman's remarks that 2 and 3 years is the blink of an eye in terms of technology.

The language that we adopt in this bill could very well be operative within the next 5 or 10 years. My only experience is that there are three fundamental principles to destruction of missiles or to an antimissile defense system. First is the ability to detect the launch; second to track it; third to destroy it.

We not only have demonstrated conclusively our ability to do that, but we are rapidly expanding that skill to the point where we potentially within a very near term could be able to intercept and destroy any missile targeted at this country.

I might add that this has a particular interest to me in my district. We produce the Aegis destroyer for the U.S. Navy, one of most sophisticated antimissile tracking systems known to man. I believe that by limiting and taking a narrow view of what we are able to do in our antimissile defense systems, that we will effectively be limiting the employment of the valuable dollars that we have invested in this program and I think we would unalterably be weakening our defense. I urge a ''no'' vote on both amendments.

Mr. DELLUMS. Mr. Chairman, I yield myself 1 minute.

Let me interject another level of reality into this debate. I would ask my colleagues to recall, at the height of the cold war, when there was the greatest tension between the United States and the Soviet Union, when our nuclear warheads exceeded 10,000, when theirs exceeded 8,000, there was no nuclear war because everyone understood the nuclear deterrent capability of the United States.

And the gentleman is not giving credit to one startling reality: We still

have that capacity. We still have thousands of nuclear weapons that brought us through the greatest tension in the face of this earth with nuclear deterrence, and we still have that deterrence.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, I oppose many of the spending priorities contained in H.R. 1530. One of the most foolish of those initiatives is the $3.5 billion authorized for the Ballistic Missile Defense Organization.

The Ballistic Missile Defense Organization was created by President Reagan during the cold war. Since that time, the Berlin Wall has crumbled and the evil empire no longer exists. There is no significant, long-range ballistic missile threat to the United States now or in the near future.

This afternoon we'll have an opportunity to salvage some of these wasteful star wars dollars. The Dellums-DeFazio amendment will channel $150 million more for needy military personnel.

Many men and women who serve in the military do not receive salaries high enough to maintain an adequate living standard. This amendment will provide funds to help military personnel who receive food stamps and off base housing.

Instead of wasting an exorbitant amount of money on star wars, we could reduce ballistic missile defense funding to the administration request of $2.9 billion and allocate the savings toward increases in pay for needy military families. If we can not meet the critical needs of our Nation's most vulnerable citizens, we should at least provide funds for the men and women who serve our country.

We as a nation can not afford to squander funding. It is unconscionable to throw away funding on the Ballistic Missile Defense Organization while neglecting the basic needs of our military personnel. I urge my colleagues to vote ''yes'' on the Dellums-DeFazio amendment this afternoon.

Mr. HUNTER. Mr. Chairman, I yield myself 2½ minutes to enjoin my colleague, the gentleman from California [Mr. DELLUMS], on a point that he just made.

Let me recast this debate and focus on the issue. The ABM treaty is an agreement by this country to hold our citizens defenseless to missile attack. My colleague says that that worked with the Soviet Union because both sides were afraid to cast the first stone. But we are not just dealing with the Soviet Union anymore. We have an agreement between two nations. One of those nations has now been split up into a number of nations.

Yet there are literally dozens of other nonsignatories which are developing missile systems. And that is the reason that we think that this system needs to be modified.

Lastly, I would say to my colleague, we are the arbiters, in a way, of what the ABM treaty means. There is not a world court that is going to judge what the ABM treaty means.

We have put in language that gives what we think is a reasonable interpretation. We have interpreted the ABM treaty in a way that we think is reasonable, that is justified by the facts that surrounded the original writing of this treaty. We have resisted the constraints that would have been placed on our theater ballistic missile systems that protect our troops in theater because we do not think it is wise and we do not want the administration to do that. But I think the problem with the gentleman's argument is it is no longer just the United States and Russia. it is a number of nations, and none of them signed that treaty.

□ 1330

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I deeply appreciate the gentleman yielding.

Mr. Chairman, I would simply respond by saying first, if the people in the Soviet Union were intelligent enough to understand the incredible, enormous capacity that we had to destroy life, what makes the gentleman think that the other nations would not have exactly the same competence to understand that? That is No. 1.

Mr. HUNTER. Reclaiming my time, I would not impute that same rationality to people like Saddam Hussein and Mu'ammar Qadhafi.

Mr. DELLUMS. If the gentleman will continue to yield, the point is that at this point they do not have that capability.

Mr. HUNTER. Mr. Chairman, I yield 15 seconds to my colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I have the answer for the gentleman from California. The terrorist bomber at the marine barracks in Beirut, 220 dead marines, 17 sailors, 4 Army guys, and the marine guard who said he could not get his magazine into his M–16, lousy rules of engagement, he said that bastard killer was smiling before he booted himself to Allah and kingdom come. That is what a rogue missile is. It has nothing to do with rational killers in the Kremlin.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, as a member of the Subcommittee on Military Research and Development of the Committee on National Security, I support its bipartisan recommendation to plus up the BMD budget. I would particularly like to salute the gentleman from Pennsylvania [Mr. WELDON], our chairman, for his leadership on this issue.

I also support the subcommittee and the full committee's allocation of the additional funds, which I understand comports with the recommendations of Gen. Malcolm O'Neill, who ably heads the BMDO office at the Pentagon.

Theater missile defense threats are real. One only has to visit Israel to understand that it would take 1 minute for a missile from Syria to penetrate Israel's continental boundaries, and 5 minutes for a missile launched from Iran or Iraq. Therefore, I strongly support full funding, as we have, of the United States-Israel BMD collaborative programs, including the Arrow.

It is also the case that there are medium-term threats to CONUS, the continental United States, from missile proliferation. Therefore, I support the work we are now funding on national missile defense. It is important and I agree that we must undertake it.

However, let me conclude by stressing how crucial it is to reach a common ground on this issue. Let us stop the partisanship. Let us move together. I agree with the gentleman from California [Mr. DELLUMS] that we have wasted money in the past because there has not been focus and leadership on this program. We are now in a position to supply that focus and leadership, both in the Congress and in the Pentagon. Let us do it.

Let us also continue to exercise oversight in the Congress. We are planning to spend a lot more money. Let us spend it wisely. Let us be sure we are getting our money's worth. Let us consider burden-sharing with our allies, because over time it will be clear that these threats are to our allies all over the world, some of whom are fully capable of sharing the costs.

Finally, Mr. Chairman, let me say that we should consider modifying the ABM Treaty. I support modifications. However, let us do this in a rational and reasonable way. Let us not proceed by adopting a rogue amendment on the House floor. Let us act with reflection, and let us act effectively for the future.

I want to make clear that I would oppose, and it is not being offered as we consider this bill, but I would oppose any effort to unilaterally abrogate our commitment to the ABM Treaty.

Finally, let me salute the women and men who have worked so ably on the BMD program in California's South Bay. My constituents have really supplied the intellectual base that has designed and built so many of these systems. With stronger focus, leadership and funding, I am hopeful that, finally, we will have a BMD system that protects our allies and protects us for the future.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. BARTLETT].

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, the average American is both surprised and shocked to learn that we have no defense, let me say it again, no defense against even one ballistic missile attack. Some say that we do not need one because we are in the post-cold-war period. I think Robert Gates said it very well when he said it is as if you went into the jungle and slew the dragon, only to observe that you are now surrounded by poisonous vipers, 25 poisonous vipers in the form of 25 nations that are acquiring weapons of mass destruction and rapidly acquiring the ability to deliver them.

However, the original dragon, like the Sphinx, is capable of resurrection. Chernovsky, arguably the most popular politician in Russia has 2 goals: one, to have a child in each province; and two, to take back Alaska when he controls Russia. Are Members content that we do not need a ballistic missile defense system? Vote ''no'' on these amendments. That would strip us of our chance to protect our people and our service men and women.

The CHAIRMAN. The gentleman yields back 30 seconds.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I no longer have the privilege of serving on the Committee on National Security, but I did for several years, and watched carefully the construction of our defense bills as they came to the floor. In my opinion, this bill speaks more intelligently and forthrightly to the issue of anti-ballistic missile defense than any defense bill that has come to the floor since I have come to Congress.

The amendments, however, that are to be offered today would put this bill right back in the same framework that it has come to the floor here for the last several years, which restricts our ability to defend ourselves against ballistic missile attacks. That would be a mistake.

This bill does not go as far as I would like to go, frankly. I think we ought to abrogate the ABM Treaty. It was signed with a nation that no longer exists. It was designed to deter a threat that has been defused. We need to build missile defenses in this country. The first obligation of any central government is to defend its people.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I would just like to address one point that has been made here over and over. As Members of Congress, our most important single duty is to provide for the common defense of our country against both foreign and domestic threats. As the gentleman on the other side of the aisle have pointed out continuously, or have tried to this afternoon, that we do not have a threat that we need to defend against with regard to this missile debate.

I would remind them, as I did a month or so ago, and let me just quote here, this is a quote by Adm. William Studeman, who was the Acting Director of the Central Intelligence Agency under this administration, I might add, he said ''On January 18, 1995, the Admiral said and testified that 'The proliferation of technology will lead to missiles that can reach the United States toward the end of this decade, or the beginning of the next decade.''' That is a fairly immediate threat, and it is someone who should know. That is someone who I believe has a great deal of credibility. It points to the necessity of us passing this provision as it is today.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this debate contains a huge disconnect between defense systems and the threat. On the one hand, we have put massive amounts of money in national missile defense without concern about the threat of a cruise missile or any kind of terrorist activity that might take place. We cannot build a bubble over the United States. This is really the bottom line.

At the same time, what we are doing in the language of this bill, we are saying it is okay to abrogate unilaterally the ABM Treaty. Not smart. Why do this in the face of Russia and what they are trying to do to us and with us cooperatively?

At the same time, just yesterday, we killed, essentially gutted, Nunn-Lugar. In that process we cut the opportunity to reduce the threat by the destruction of these weapons systems that are currently ongoing. Yes, in the bill, the committee wrote that it is not important to do civil defense anymore. Essentially they have a statement that FEMA, forget the civil defense. Where is the disconnection here?

Mr. Chairman, we are in the process of making a terrible mistake. We need to focus on the real threat to our country, and the real threat, while potentially, in a small way, from a strategic missile, the big threat comes from terrorism and it comes from cruise missiles off the back of a little freighter coming through the St. Lawrence Seaway. It comes from a Ryder truck.

If we unilaterally abrogate the ABM, we are essentially telling the Russians that START II is not important to us, either. We need to use our diplomatic negotiating process to reduce our threat, not raise our threat. By doing what we are doing today, by sending the message to Russia that they do not count, we are actually increasing the threat to the United States from any kind of strategic missile, because in the process of our action on Nunn-Lugar, they are going to have all those systems to sell to other people, if you will. Of course, they are not going to be a potted plant. They are not going to say to us ''It is okay, America, do whatever you want to to us.'' They are a proud people, and we need to work with them, not fly in their face in the process of doing what we want to do here.

The final outcome of this huge disconnect is going to cost this government billions of dollars in working on readiness and the process of what we are trying to do. The Spratt amendment is not the final solution, but it is a first step.

Mr. HUNTER. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WELDON] to set the record straight.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have to correct three statements that were just made by our good friend and colleague of the committee. First, we plussed up the cruise missile accounts by $75 million for exactly the reasons the gentleman stated. We saw the need to support General O'Neill in that request, and we did it.

Second, this bill does nothing, nothing to violate the ABM Treaty. That is in writing from General O'Neil, who is the administration's representative on missile defense.

Third, it was General O'Neill himself on March 23 who said ''If you give me extra money, I would put $600 million into national missile defense;'' General O'Neill, representing President Bill Clinton.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Georgia [Mr. CHAMBLISS].

(Mr. CHAMBLISS asked and was given permission to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Chairman, I am deeply concerned that the American people mistakenly believe its Government can protect its people and soldiers from missile attack. Recent reports indicate that a significant majority of the American people believe that if ballistic missiles are used to attack the United States, the U.S. military can intercept them before they fall.

Footage of our Patriot missile batteries shooting Iraqi scuds out of the sky during the gulf war have left the American people with a very false sense of their own security.

As advanced as our theater and national missile defense capabilities have become over the years, the fact still remains that we are vulnerable.

Since the end of the cold war and the demise of our No. 1 enemy, the number of rogue states that have acquired nuclear capability has increased dramatically. Additionally, the very fact that the former Soviet Union is embroiled in ethnic strife adds to our concerns about their existing nuclear stockpile.

Mr. Chairman, H.R. 1530 represents the proper approach to missile defense. It provides the emphasis necessary on

missile defense, and it strikes the proper balance between national and theater missile defensive systems.

In 1983, the great communicator Ronald Reagan called this Nation's science community to arms and challenged them to provide the ultimate defensive system. Through the years, tremendous strides have been made, and though the sacrifices are great, the consequences of failure are even greater.

Mr. Chairman, the American people deserve no less than the very best defensive technology, and H.R. 1530 achieves that goal.

Unfortunately, the Spratt amendment would chain this Nation to the outdated terms and assumptions contained in the ABM treaty we signed with a country that no longer exists. Furthermore, it rejects the necessary emphasis on national missile defense.

I urge my colleagues to support the provisions of H.R. 1530 and reject the Spratt amendment.

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Mr. SPRATT. Mr. Chairman, I yield my last minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I will not take the full time, but I do wish to ask two points of clarification if the gentleman does not mind.

Does this apply only to national missile defense?

The second is, what if this amendment does not pass? What would be the force and effect, particularly in light of the comments made by the gentleman from Pennsylvania?

Mr. SPRATT. If the gentleman will yield, this amendment calls, first of all, as a first priority, for full speed ahead, theater missile defense development. Second, for the development and deployment of a national missile defense system. And, third, for compliance of that system, a national missile defense system—it only applies to that—with the ABM treaty as it stands today or as we may amend it. It simply says stay within the processes of the ABM treaty in developing that system.

The CHAIRMAN pro tempore (Mr. COMBEST). All time of the gentleman from South Carolina [Mr. SPRATT] has expired.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Chairman, I am a new Member of this body. I have not been a part of the debates that have gone on on this issue for the past years. I have tried to look at it from the ground up and maybe from a fresh perspective.

It seems to me when you get down to the basics, the question is whether we are willing to defend our people. The fact is that we have absolutely no way to stop a missile that is fired at the United States. The fact is that there are other countries who have missiles that can reach the United States.

The fact is that there is instability and uncertainty in Russia. And the fact is that just 2 weeks ago, China fired a new mobile missile that can reach the United States. The fact is there are a number of other countries that are working as hard and as fast as they can to put our people at risk by acquiring missile technology.

The fact is today we are vulnerable to accidental launch, to a rogue general acting on his own, or to some outlaw state such as Hussein or Qadhafi buying missiles, and we can do absolutely nothing to defend our people against a missile attack. I think that is wrong strategically, and I think that is wrong morally.

We cannot, of course, build a bubble and protect ourselves from all threats, but we can do what we can do. We have technology to make us safer than we are today, and it is silly to tie our hands and not make available for ourselves the possibilities which exist.

I think we have to be particularly careful of those who say, ''Yeah, I'm for a missile defense, except'' or ''under these circumstances.'' There should be no conditions on whether we protect the United States or its people.

This bill does not alter existing treaties, but it does allow us to be free to look at all the possibilities. The Spratt amendment would handicap us by only looking at certain possibilities that apply to certain treaties.

We ought to see what works the best, then go about developing that technology, change the treaty as ought to be appropriate and get something there that will protect our people. Frankly, I would push harder and quicker toward deploying a defense than is in this bill, but I think this bill is a minimum of what we can do to protect our people and fulfill our oath.

Mr. HUNTER. Mr. Chairman, I understand I have 7 minutes left. I yield myself 3 minutes.

The CHAIRMAN pro tempore. The gentleman is correct. The Chair recognizes the gentleman from California [Mr. HUNTER] for 3 minutes.

Mr. HUNTER. Mr. Chairman, to all of our colleagues in the Committee of the Whole, I just wanted to let folks know that if you look this bill over, you will see a lot of Republicans and Democrats working together on a number of issues. I have great respect for the gentleman from South Carolina [Mr. SPRATT], for the gentleman from California [Mr. DELLUMS], for all of our colleagues on the Democrat side of the aisle, and for all the Republicans who have worked hard to make this bill go, and the chairman, who I think has put together a very thoughtful package.

Mr. Chairman, we did plus up all of the theater missile defense systems. We put in the amount of money that our experts told us we needed to put in to advance those systems as rapidly as possible.

The sad thing is that when we asked General O'Neill, at the end of one of our hearings, the question as to whether or not these theater systems would stop any fast missiles, that is, stop, for example, the North Korean Taepo Dong–2 missile that is being developed now, his answer was no. They will stop basically the Model T's of ballistic missiles, the Scuds. But we have not been building missiles to stop high-performance ballistic missiles.

The Spratt amendment goes to ABM. That is going to be a key amendment. The difference between what the committee did and what the gentleman from South Carolina [Mr. SPRATT] wants to do this: The gentleman from South Carolina [Mr. SPRATT] elevates and, I think, liberalizes the ABM Treaty.

For Members of the House, it is important that you understand the ABM treaty. The ABM treaty is extraordinary. It is unique. It is an agreement by the Government of the United States to hold its citizens defenseless against missile attack. If you read it, and you are an average citizens, you are shocked, because it says that you cannot have a defense against nuclear systems.

The gentleman from California [Mr. DELLUMS] has explained how we incorporated that agreement, as extraordinary as it is, in this standoff between the United States and the Soviet Union, where we figured that because both sides had enormous arsenals and some degree of stability, neither side would want to throw the rock. Therefore, we held our own citizens defenseless. We held our own citizens up to nuclear attack without any defense being offered.

I would say that is an extraordinary measure. It is a measure that should be exercised very conservatively because it is an enormous imposition on your citizens, on your constituents.

When you vote on this thing as a Member of Congress, you are telling your own 575,000 constituents in your district that your are going along with an agreement that leaves them exposed deliberately to missile attack.

I do not think we should interpret or enforce that type of an agreement in a liberal way. I do not think we should use our creative juices to try to figure out new ways to hold ourselves at risk. I think we should exercise and follow that treaty very conservatively.

Lastly, the problem is, we made that treaty with one other nation in this world. Today there are dozens of nations who never signed it who are developing missiles. that is the difference between the committee bill and the amendments.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] is recognized for 3 minutes.

Mr. DELLUMS. Mr. Chairman, let me say to my colleague that whether we viewed it as moral or immoral, this gentleman's position was that we should not have gone down the road toward the development of more heinous nuclear weapons. But the fact of the matter remains that mutual assured destruction did indeed work.

The logic of the gentleman's argument, it is difficult for me to get my brain around the gentleman's argument because at the end of the day, the test of a policy's effectiveness is whether it worked. We did not have a nuclear war, so that that standoff was not keeping American people defenseless. That expensive, dangerous, insane nuclear triad kept everyone from waging war. That is No. 1.

Second, let's put reality into this debate. We keep saying to the American people, did you know we didn't have this? America, $35 billion of your dollars went down a rat hole developing the technology of star wars. The last time this gentleman looked, you look at my bank book, $35 billion is one hell of a lot of taxpayers' money to be spent.

Third, as we speak, America needs to know that we have been spending for the last few years approximately $3 billion per annum, part on theater missile defense, part on Brilliant Eyes, a space-based central system, and part on a national missile defense system.

We are spending money developing this. To, in some way, communicate to the American people that we have not spent billions of their dollars, now way over $40 billion, is to take a flight into fantasy. It is to engage in a disingenuous argument. That money is out there. The only debate between us at this point is whether you ought to be spending more money and go so fast that you violate ABM.

Why is ABM significant? It is significant at this moment, Mr. Chairman, because the ABM treaty is linked by the administration, by the Bush administration and others, to SALT II. SALT II allows us, with the stroke of a pen, to take the Russian nuclear arsenal from 8,500 down to 3,500. We can knock down 5,000 missiles by compliance with ABM, ratification of START II, and you cannot find the dollars, my friend, to build a system effective enough to destroy 5,000 warheads. So you are arguing against yourselves when making that statement.

The gentleman from Pennsylvania [Mr. WELDON], I believe this gentleman is in no way desirous of stepping outside the ABM treaty. He is a man of integrity, and I know that his word is real in that regard. But I am suggesting here that the gentleman from Pennsylvania [Mr. WELDON] does not speak for everybody on your side, and I know that there are a number of them who want to break out of the ABM treaty, with all the adverse impacts to America and stability in the world.

Mr. HUNTER. Mr. Chairman, I yield myself 15 seconds for one point, to make one point for my colleague.

I just want to say to my friend, I did not state that we have not spent billions and billions of dollars. I agree we have spent billions and billions of dollars, but the American people are interested in the real state of play and in results. Right now we do not have defenses against missiles. Many of them think we have them. I think the work this committee is doing will bring about defenses, but we do not have them at this time.

Mr. Chairman, I yield the balance of our time to the gentleman from Pennsylvania [Mr. WELDON], the distinguished chairman of the Subcommittee on Military Research and Development.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. WELDON] is recognized for 3 minutes 45 seconds.

(Mr. WELDON asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, this has been a long debate and I think a very insightful debate from both sides. Let me say as we looked at the defense bill for this year, we looked at what I think will be the two biggest threats this country faces as we approach the 21st century. The first is missile proliferation and deployment, and the second is terrorism.

In our mark we plus up both accounts, to deal with the terrorism we heard about and to deal with the missile proliferation. We plussed up each. We held three full hearings. In the last few years, we did not hold any hearings on missile defense.

This year we have held three full hearings for Members to get classified and unclassified information on what the threat is. We heard there are 77 nations in the world that have cruise missiles, 20 more are building them. We heard about the Russians offering for sale the SS–25. Even the Clinton administration acknowledged just a month ago that the sale of the SS–25 is a violation of the START agreement. Even the Clinton administration acknowledges that. That architecture can be used to hit any city in America by a rogue nation, a mobile launch system.

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We heard that the North Koreans have a system that they are testing now that can reach Hawaii and Guam. And we just heard the Chinese, 2 weeks ago, tested a system that can hit the western United States and Guam as well.

Mr. Chairman, these are real threats. Our bill responds to those. But let me say, Mr. Chairman, our bill is totally consistent with General O'Neill. We don't micromanage General O'Neill. We accept the recommendation of the Clinton administration's expert on missile defense.

In fact we did not even give him all the money he would like to have had. Our mark is totally in line with him and in no way does it violate any part of the ABM treaty.

Mr. Chairman, I will enter in the RECORD a letter from General O'Neill to me dated yesterday stating that no part of this bill in any way violates any part of the ABM treaty.

The Spratt amendment is a political amendment being offered, I think, in the wrong-headed sense of the word. And let me say why. Our side, the conservative side, wanted to offer an amendment to take on the ABM treaty in this bill and I said, If you do, I will come to the floor and I will lead the fight against it. And that amendment was not offered. It was withdrawn.

Now, we are going to be asked to vote on an amendment that takes this bill over the line and says not only do we want it to comply with ABM, but all future modifications of ABM. So, we want to limit the ability of our defense experts to look at how we can best defend America.

This bill is not about the ABM treaty. We have agreed to a separate vote on the ABM treaty; a separate debate. This bill is about defending America.

We want to give our defense experts the chance to tell us, based on the threats that are there, how we can best defend the country. If we want to have a vote on ABM, let that occur at some other time and some other place. But it should not be on this bill. And I resent the fact that that amendment is being offered.

Mr. Chairman, I would encourage our Members and our colleagues to do what members of the committee did in a bipartisan manner. We rejected the Spratt amendment in a bipartisan vote of 33 to 18 saying this is not the place to discuss the merits of the ABM treaty.

I repeat again, General O'Neill, on the record in writing, has stated that nothing in this bill, nothing in any way, shape, or form, violates the terms or the conditions of the ABM treaty. That debate can occur at the appropriate time.

I would also ask our colleagues to support the leadership, Speaker GINGRICH and our entire House leadership, in opposing the Dellums amendment which would also gut this effort. And I thank our colleagues for their cooperation in the spirit of debate.

The letter previously referred to follows:

DEPARTMENT OF DEFENSE, BALLISTIC MISSILE DEFENSE ORGANIZATION,

Washington, DC, June 14, 1995.

Hon. CURT WELDON,

Chairman, Subcommittee on Military Research and Development, Committee on National Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: There has recently been a great deal of debate concerning whether or not the programs planned by the Ballistic Missile Defense Organization for fiscal year 1996 are compliant with the Anti-Ballistic Missile (ABM) Treaty. I can tell you that every activity under my control complies with the ABM Treaty, and that we will not develop, test or deploy systems that violate the Treaty. I take my stewardship of the Nation's ballistic missile defense programs very seriously and strive to ensure that the program complies with all our legal and international obligations.

I want to assure you that every program in the acquisition process that raises Treaty issues is subjected to a stringent compliance

review process managed by the Under Secretary of Defense for Acquisition & Technology (A&T). Additionally, tests, experiments, and programs that are sufficiently developed, but that are not yet in the acquisition process, are also scrutinized by the Under Secretary of Defense (A&T) Treaty Compliance Review Group to ensure that they do not violate Treaty obligations.

I hope this clarifies any ambiguity that may exist. I stand ready to answer any further questions you may have.

Sincerely,

MALCOLM R. O'NEILL,
Lieutenant General, USA,
Director.

Mrs. FOWLER. Mr. Chairman, I rise in support of the committee's treatment of ballistic missile defense issues in this bill.

Most Americans are unaware that this Nation currently has no ability to defend itself against an accident missile launch or an attack by a terrorist nation or rogue military commander. That, however, is indeed the case.

With the continuing proliferation of weapons of mass destruction and missile technologies, we cannot accept this shortcoming. There are too many nations—Iran, North Korea, and Iraq, among them—pursuing these capabilities. Meanwhile, the confiscation of highly enriched uranium on the black market indicates the deterioration of internal security controls over nuclear materials in the former U.S.S.R. Under the circumstances, we cannot remain complacent about our lack of defensive options.

H.R. 1530 increases the President's request for ballistic missile defense funding from $3.1 to $3.8 billion. This funding will step up efforts on both theater missile defenses, which are desperately needed to protect our service people in the field, and on national missile defenses, which we must pursue now, before renegade nations can threaten us.

Mr. Chairman, I urge my colleagues to support the committee's bill and oppose weakening amendments.

The CHAIRMAN. It is now in order to consider the amendments printed in subpart D, part 1 of the report relating to ballistic missile defense, which shall be considered in the following order:

By Representative SPRATT and by Representative DELLUMS.

It is now in order to consider amendment number 1 printed in subpart D of part 1 of the report.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

Strike out section 232 (page 31, line 17 through page 32, line 4), and insert in lieu thereof the following new section:

SEC. 232. BALLISTIC MISSILE DEFENSE POLICY OF THE UNITED STATES.

It is the policy of the United States—

(1) to deploy at the earliest practical date highly effective theater missile defenses (TMD) to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement the missile defense capabilities of our allies and forces friendly to the United States; and

(2) to develop, test, and deploy, at the earliest practical dates, a national missile defense system (NMD) that complies with the ABM Treaty and is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.

Page 32, strike out line 17 and all that follows through line 5 on page 33 and insert in lieu thereof the following:

(1) Up to 100 ground-based interceptors at the site now designated by the ABM Treaty or additional ground-based interceptors at such other site or sites as the Secretary of Defense may recommend if deployment of ground-based interceptors at more than one site is allowed by amendment to the ABM Treaty.

(2) Fixed, ground-based radars.

(3) Space-based sensors that are capable of acquiring and tracking incoming reentry vehicles as an adjunct to ground-based radars.

(4) Battle management, communication, and control systems integrated with ground-based radars and space-based sensors.

Page 38, line 5, strike out ''DEFINED''.

Page 38, line 6, insert ''(a) DEFINITION.—'' before ''For purposes of''.

Page 38, at the end of line 11, strike out the period and insert the following:

and all Agreed Statements and amendments to such Treaty in effect as of the date of the enactment of this Act or made after such date.

Page 38, after line 11, insert the following:

(b) INTERPRETATION.—Nothing in this subtitle shall be interpreted to violate, or to authorize the violation by the United States of, the ABM Treaty. Any provision of this subtitle that authorizes or requires the United States to deviate from the ABM Treaty is premised on the assumption that before any such action is taken amendments will be made to the Treaty to make such provision compliant with the Treaty.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPRATT] and a Member opposed will each be recognized for 10 minutes.

Is the gentleman from California opposed?

Mr. HUNTER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. HUNTER] will control the 10 minutes in opposition.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my good friend, the gentleman from Pennsylvania [Mr. WELDON], chairman of the subcommittee, has just said in the well of the House to those who want to abrogate or violate the ABM treaty, he is opposed. It is not timely. And I agree with him.

I will come to the reason I agree with him in fuller detail in a minute, but basically it boils down to this. It is not an opportune time to talk about that because the ratification of START II hangs in balance right now.

The authors of this bill, therefore, say they don't support violation; they seek abrogation, not now, of the ABM treaty. All my amendment does is call for clarity, for the removal of any ambiguity, for spelling out their intention which they have stated here in the well of the House so that there is no mistake about it.

Section 233 of this bill, however, calls on the Secretary of Defense to deploy at the earliest practicable dates a national missile defense, NMD, system designed to protect the United States against limited ballistic missile attacks.

This NMD system, according to the bill, shall include up to 100 ground-based interceptors at a single site or at a greater number of sites as determined necessary by the Secretary.

Mr. Chairman, the ABM treaty as it is now written limits the United States and Russia to 100 interceptors at 1 site. By requiring in this bill that any national missile defense system protect the entire United States at more than one site, if necessary, we are going beyond the boundaries of the existing treaty. We may need to, and I anticipate that in the very language of my amendment when I say, ''Stay within the ABM treaty or the processes of it and seek amendments where necessary.''

But as I read the bill, the Secretary has no leeway and, in effect, it requires a multisite system and this is a violation of the treaty as now written.

As I said, my amendment deals with it by saying any such language would be interpreted to mean that we would seek an amendment to permit it before we went ahead to do it.

Now, section 233 also refers to direct queuing of interceptors, that is having an interceptor on the ground queued by the so-called Brilliant Eye, or low-Earth orbit satellite, which will be put into place some time around the turn of the century if we ever deploy a missile defense system.

This language is, too, a technical violation of the treaty. Now, I think we probably ought to clarify the amendment and permit it, but my amendment would say simply that if you are going to do it, then go seek a clarification or an agreed statement, or something that will permit it if you want to use that language.

My amendment anticipates, calls for, the deployment of a national missle defense system which would include 100 interceptors at 1 or more sites if the additional sites were approved by amendment. A ground-based radar system and space-based sensors plus BMCCC, Battle Management Command, Control, and Communications software.

Now, why is all of this so important? It is important because in the next 4 or 5 months the Russian Duma will either take up or not take up, and will either ratify or not ratify, START II. If START II is ratified, we will reduce Russian warheads, a real threat, which can be launched against us by 5,000, which is a significant diminution of the threat to the security of the United States today. It would reduce those by 5,000 down to 3,500 warheads.

We cannot build a missile defense system that will effectively shoot down so many Russian missiles, so much ballistic missile threat against us, so cheaply as the ratification of START II. Why put it in jeopardy by leaving any ambiguity in this bill?

Ratification by the Duma is shaky at best. It is by no means assured. And any signal this Congress sends that we may be breaking out or reaching beyond the terms of the ABM treaty could doom START II. And now is not the time to send such a signal.

START II serves our national security interests, as I said, by reducing the number of warheads that can be launched against us by 5,000 warheads; an enormous number. But it also does something else for our national security.

By lowering the number of warheads that we will have to maintain in our arsenal, the launchers, the platforms from which they would be launched, it also frees up resources for other national defense needs which are really more pressing right now. It would save us the cost of maintaining a huge nuclear arsenal with more than 8,000 warheads in it.

If START II is not ratified, then Secretary Perry warned in an address at Georgetown more than a year ago that we, the United States, will have no other choice. We will not go below START I levels. And there is no money currently in the DOD budget or the DOE budget to support this higher level of maintaining an arsenal of 8,500 warheads.

We will have to cut into funding for conventional forces, for quality of life, for modernization, for readiness, in order to pay to maintain the arsenal at this higher level. I would rather pay to maintain a stronger conventional force. I would rather get rid of those 5,000 warheads potentially aimed at us.

This amendment simply seeks to take the authors of the bill before us at their word and say, deploy a national missile system, but stay within the confines of the ABM treaty. If you need to amend it to go to multiple sites, then do so. Amend it.

But it sends a signal to the Russians at a critical time here on the eve of ratification of START II that we are not about to break out of the ABM treaty.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. I thank the chairman for yielding me this time.

The reason that we should not pass this amendment, and the reason that we should not be concerned about the ABM treaty, notwithstanding whether or not what happens with respect to this bill does or does not violate the ABM treaty, and as you know we have got a letter that says it does not, but the reason that we ought not to be so concerned about that is that the former Soviet Union and Russia is not the only nation that has the capacity, the ability to lob a ballistic missile with a nuclear warhead at the United States.

What we have done is we have taken this policy, this national strategy that is based on mutually assured destruction that may have had validity in 1972, and we have extended it 25 years into a point in time when Russia is joined by as many as 25 or more other nations that have the same capability to blow up cities in the United States.

It is just a bad policy that I believe in the broad sweep of history is going to be seen as something that was peculiar and bizarre and should be completely abrogated.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I thank the gentleman from South Carolina for yielding me this time.

Mr. Chairman, I am a strong supporter of our Nation's defense and a strong supporter of a robust national missile defense program. My community is strongly involved in that defense program. And I support the missile defense program outlined in this bill.

I strongly support the Spratt amendment. This amendment is frankly a very simple one, and I cannot imagine why anybody would oppose it. It simply reaffirms our Nation's commitment to a reduction of nuclear weapons.

This amendment in no way changes the missile defense program outlined in this authorization bill. The Spratt amendment would simply require that we develop, test, and deploy a national missile defense system that complies with the ABM treaty. It would allow for any future amendment if we determined that we need a missile defense system that might not need to comply with the ABM treaty.

I believe this amendment is crucial, this amendment today is crucial to our efforts to ratify the START II treaty. This amendment does not affect the theater ballistic missile programs, and only affects our national missile defense programs. I urge my colleagues to support the Spratt amendment.

Mr. SPENCE. Mr. Chairman, I yield myself 2 minutes.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, I rise in strong opposition to the Spratt amendment.

Mr. Chairman, a nearly identical amendment was considered in the Committee on National Security's markup of H.R. 1530. That amendment was rejected on a bipartisan vote of 18 to 33. This amendment should be defeated. It is designed to obviously cloud the issue and for that purpose, only.

The Spratt amendment is unnecessary. There are no activities planned for fiscal year 1996 that would conflict with the ABM treaty, as noted in the letter from General O'Neill referred to previously, who is the director of the Ballistic Missile Defense Organization.

More importantly this amendment sends the wrong signal. The Clinton administration in its zeal to ''strengthen the ABM treaty'' is seeking to turn the ABM treaty into a theater missile defense treaty, and constraining our theater missile defense systems.

The President continues on this course despite repeated appeals from the Republican congressional leadership and others.

A ''yes'' vote on the Spratt amendment is an endorsement of the President's approach to all missile defense.

The amendment would also essentially grant Russia an effective veto over our missile defense deployments in the future. All of us ought to find this unacceptable and resent it. The United States ought to be able to take whatever actions are necessary to defend our territory, its troops, and our interests. This amendment is not in our national security interest, and people who vote for it are not acting in the best interests of this country.

I strongly urge my colleagues to vote ''no'' on the Spratt amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, may I ask how much time is remaining on each side?

The CHAIRMAN. The gentleman from South Carolina [Mr. SPRATT] has 3 minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 7 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I am a hawk on defense. I support increased funding to ensure a strong national defense, and yesterday I voted for increased funding for the B–2 bomber.

□ 1415

However, there is a huge difference between being a hawk on defense and possibly jeopardizing the elimination of 5,000 Russian nuclear warheads. No national defense system can stop that many warheads.

By insuring compliance with the ABM Treaty, the Spratt amendment will contribute to the elimination of 5,000 nuclear warheads that someday could be aimed at America's citizens, at America's children. To do anything, to do anything at this time, this crucial time, that might jeopardize reduction of those 5,000 Russian nuclear warheads would not be being strong on defense. It would be sheer insanity.

If the authors of this bill say the bill does not violate the ABM Treaty, they should have nothing to fear from this amendment. On the other hand, despite the authors' intentions, if anyone someday might interpret this bill as being in violation of the ABM Treaty, then our grandchildren's future depends on the passage of this amendment.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. BATEMAN].

(Mr. BATEMAN asked and was given permission to revise and extend his remarks.)

Mr. BATEMAN. Mr. Chairman, I think the chairman of the full committee has it exactly right. This amendment is really a red herring.

The debate need not and should not focus on any expectation or any claim that we are in jeopardy of violating a solemn treaty obligation of the United States of America.

What is involved here is allowing our technicians, our scientists to explore that technology which works best and most cost effectively to provide us with theater and national ballistic missile defense systems. If the best answer to those scientific equations is that we need to go back and renegotiate the ABM Treaty, that is exactly what the Constitution and the law will require, and what will be done.

If any messages are being sent here, it is a garbled and misinformed message to the Russian Duma that somehow or another we are concerned with and intend to violate a solemn treaty obligation. That is not what this provision is about.

Common sense would dictate if the best technology for our ballistic missile defense system nationally or for the theater is something that violates that treaty, then all common sense says we should go to the Russians, to anyone else, and renegotiate it. We also must bear in mind that under the very terms of the treaty itself, by giving appropriate notice, we are freed of any obligations under that treaty, and clearly should do so if violating it would be putting in jeopardy our ability to effectively defend this Nation either as a nation or its forces in the theater from missile attacks.

The common sense of this is to reject this amendment. We are sending the wrong message.

Mr. SPRATT. Mr. Chairman, I yield the balance of my time, 2 minutes, to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I commend him for his amendment, and I strongly support it.

I think what this debate really is about is an abrogation of the Anti-Ballistic Missile Defense Treaty. The Spratt amendment assures that however the United States proceeds on missile defense, it stays within the terms of the ABM Treaty. That treaty is 23 years old. It has been the foundation for all of our arms control agreements with Russia.

Today we certainly may want some clarifications of that treaty or even revisions of it, but those changes ought to be worked out with the Russians. Those changes should not be imposed on the Russians.

There are provisions in this bill which clearly bring about the abrogation of the ABM Treaty. I think that is a bad precedent. Abrogation of that treaty will harm the national security interests of the United States in a number of ways.

If we break the ABM Treaty unilaterally, we will poison our relations with Russia. United States-Russian relationships are still the cornerstone of world peace. If we poison the well, every issue we have with Russia—arms control, European security, the Middle East peace process, Bosnia, nonproliferation—becomes more difficult, and we then would bank on little or no cooperation with the Russians if we walk away from our obligations under this treaty.

If we break the ABM Treaty, Russia will not ratify the START-II Treaty, a treaty that I should remind us all was negotiated by President Bush.

Russia then is likely to stop dismantling its nuclear weapons. No military planner in Russia will advocate further dismantling of nuclear missiles if a missile defense race begins. Breaking the ABM Treaty then risks a cold peace, a possible return to the cold war.

If START-II is ratified and implemented, and it would not be if the Spratt amendment is defeated, 5,000 warheads aimed at the United States would be dismantled.

I urge a ''yes'' vote on the Spratt amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON], chairman of the Subcommittee on Research and Development.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I cannot believe some of the debate here.

If this were a debate on the ABM Treaty or treaties themselves, perhaps we could bring out the four sanctions we waived against the Russians in violation of the missile control technology regime. Perhaps we would bring up the Krasnoyarsk radar violation which the Politburo deliberately ordered in terms of the ABM Treaty. Perhaps we would bring up the numerous accounts of deliberate proliferation activities by the Russians to other countries. But this is not a debate on any treaty.

This is a national defense bill. We have agreed to have a full debate on the ABM Treaty in a separate, freestanding bill. We have taken the extraordinary effort of making sure that our side did not offer an amendment to tilt the bill so that it in fact would attack the treaty.

But our colleagues on the other side—not all of them, because we have bipartisan opposition—but some of our colleagues on the other side want to tilt this treaty to the extreme of supporting and furthering the ABM Treaty beyond where it currently stands.

Even General Shalikashvili, in a memo to the administration earlier this year, made the point that our negotiations with the Russians were in danger of undermining our defense posture, and only when we threatened the nomination of Secretary Deutsch did the administration back off of that interpretation and that negotiation.

Mr. Chairman, this is not the time to be discussing the ABM treaty.

I will again enter at this point in the RECORD this letter, dated June 14, from General Mal O'Neill, the administration's point person on missile defense, and I would close with his statement:

I can tell you that every activity under my control complies with the ABM Treaty and that we will not develop, test, or deploy systems that violate the treaty.

Mr. Chairman, we have that in writing from General O'Neill. That, more than anything else, speaks to the intent of this amendment. This is not about this bill violating the ABM Treaty, because even the administration's own leader says that is not the case.

This is about a political attempt to score some points for the Clinton administration and expanding the ABM Treaty, and that should be a separate debate at a separate time.

The letter referred to follows:

DEPARTMENT OF DEFENSE,
BALLISTIC MISSILE
DEFENSE ORGANIZATION,
Washington, DC, June 14, 1995.

HON. CURT WELDON,
Chairman, Subcommittee on Military Research and Development, Committee on National Security, House of Representatives, Washington, DC.

DEAR SIR: There has recently been a great deal of debate concerning whether or not the programs planned by the Ballistic Missile Defense Organization for fiscal year 1996 are compliant with the Anti-Ballistic Missile (ABM) Treaty. I can tell you that every activity under my control complies with the ABM Treaty, and that we will not develop, test or deploy systems that violate the Treaty. I take my stewardship of the Nation's ballistic missile defense programs very seriously and strive to ensure that the program complies with all our legal and international obligations.

I want to assure you that every program in the acquisition process that raises Treaty issues is subjected to a stringent compliance review process managed by the Under Secretary of Defense for Acquisition & Technology (A&T). Additionally, tests, experiments, and programs that are sufficiently developed, but that are not yet in the acquisition process, are also scrutinized by the Under Secretary of Defense (A&T) Treaty Compliance Review Group to ensure that they do not violate Treaty obligations.

I hope this clarifies any ambiguity that may exist. I stand ready to answer any further questions you may have.

Sincerely,

MALCOLM R. O'NEILL,
Lieutenant General, USA,
Director.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER], chairman of our Procurement Subcommittee.

Mr. HUNTER. Mr. Chairman, let me first say to my colleagues who have spoken about the reduction and the pending reduction in the Soviet arms arsenal, that was brought about by the Reagan and Bush administrations, which pushed forward with missile defense. So missile defense has not stifled arms reduction. It has produced arms reduction.

Second, the Russians are as worried as we are about the fact that we have this treaty between the two of us, and now you have dozens of missile makers around the world that never signed the treaty, and we both agreed to hold ourselves open, as open targets, for missile massacres on the basis that mutually assured destruction would deter war between Russia and the United States, but it says nothing about missile attacks by North Korea, by China, and by other adversaries.

My colleagues, it is very important that we do not hold our constituents hostage to an agreement between two countries when you have many, many adversaries that have the capability of using that opportunity to hit the United States.

Vote ''no'' on the Spratt amendment.

Mr. SPENCE. Mr. Chairman, to close out debate on our side, I yield the balance of our time to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Chairman, I rise in vigorous opposition to the Spratt amendment.

When we address the issue of the defense of our citizens against attack by some malevolent power, it matters not whether we speak of conventional, strategic, theater, national, or space based defense. What does matter is we are mandated by the Constitution to provide an adequate defense for our people. When it comes to protecting against incoming missiles, Mr. SPRATT and the Clinton administration accept the half-a-loaf theory and say, ''Yes we need a defense, but not that defense.''

I say you are wrong. To retain unbridled adherence to the cold war relic ABM Treaty, which was confected to restrain a one-time enemy no longer existent in the world, is to voluntarily reject certain options of defense against a grave and terrible threat of a brand new kind. It would leave the U.S. population virtually naked and defenseless against a nuclear, chemical or biological attack by way of incoming new technologies.

As Henry Kissinger has said, ''There is no virtue in being defenseless!''

Why in God's name would America wish to abide by the tenants of the ABM Treaty, when the leaders of such rogue and hostile powers as Iran, Iraq, North Korea, Libya, and Syria are not parties to it and would never dream of being bound by it?

Or when the Chinese are conducting nuclear tests and have recently developed a road-mobile ICBM which can hit California and Europe?

Or when the Russians and the North Koreans are selling missile technology to the highest bidder?

Or when Iran and even Brazil are buying up all the missiles they can get their hands on?

Why would we ever think of abiding by a document which limits our ability to respond to threats from any hostile power?

If the ABM Treaty did not exist today, do we really think any rationale person would stand up and propose to the American people that they invent a way not to defend themselves? Yet that is exactly what Mr. SPRATT and the Clinton administration would ask us to do with this amendment.

Mr. Chairman, I ask the Members to defeat the Spratt amendment and fulfill our responsibility to defend America.

The CHAIRMAN. All time has expired.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my intention to yield to my distinguished colleague, the gentleman from South Carolina, in order to rebut a number of reports being made.

Mr. Chairman, I would like to point out to my colleagues and those who are observing this debate the gentleman from South Carolina [Mr. SPRATT] seeks to do a very simple thing. He said we want this bill to conform to the ABM Treaty.

The gentleman from Pennsylvania [Mr. WELDON], and I believe him, has said nothing in this bill is designed to violate the ABM Treaty; that is not our intention. Yet if you listen, as I have listened to the most recent speaker and who only reflected the remarks of a number of other speakers who walked into the well, who then specifically stated several different reasons why we should not comply with ABM. The point that I am making is very simple, that there is an incredible disconnect on this side of the aisle with one group saying, with one person saying, ''I do not want to violate,'' with a number of other Members saying, ''This is why we should violate.'' So there is tremendous contradiction here.

There is ambiguity here that is extraordinary. You do not have to be a PhD watching this debate to understand that. You do not have to be. It glares out at you.

So my point simply is, if indeed there is no desire on the part of my colleagues on this side of the aisle, and that is a genuine assertion, that you do not want to be in violation of the ABM Treaty, let the amendment process take care of itself on that matter down the road; then why not a simple commitment to a set of propositions that keep us within the framework of the ABM Treaty?

To do less than that is to fly in the face of the integrity of your own comments.

Mr. Chairman, I yield to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, in a debate like this we sometimes lose sight of the ball. This is my amendment.

The very first paragraph in it calls for deployment at the earliest practical date of a highly effective theater missile defense. If you listened to the debate, you would think we were opposed to that. I am not.

This bill pluses up ballistic missile defense of $3 billion requested by the administration to $3.8 billion. This amendment leaves the funding in place.

□ 1430

Second, my amendment says it is a policy of the United States to develop tests and deploy at the earliest practical dates a national missile defense system that complies with the ABM treaty, and there is the rub, that complies with the ABM treaty. What does that mean? It means, and we specify, 100 ground-based interceptors at the site now designated or at such other sites if it is allowed by amendment to the ABM treaty. It amends the language of this amendment so that we can make unmistakable what everyone has asserted here on the floor, it is not our intention to violate it, go beyond the ABM treaty. It says the ABM treaty means a treaty in effect as of this date or with such amendments adopted after that date.

It goes on to say nothing in this subtitle shall be interpreted to violate or to authorize a violation by the U.S. of the ABM treaty. Any provision that authorizes or requires the U.S. to deviate from the treaty is premised on the assumption that before any such action is taken amendments will be made to the treaty.

Why is this necessary, desirable? Again for reasons that are purely consistent with ballistic missile defense. We want to get rid of 5,000 warheads by the ratification of START II, and that will make ballistic missile defense of this country feasible.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman from California [Mr. DELLUMS] for yielding this time to me.

I would just say, as my colleague pointed out, that we have Members on this side who would like to abrogate the treaty. I have acknowledged that publicly, and I fought against offering that amendment on this bill.

Just as the Member would acknowledge that he has Members on his side who would like to take the ABM treaty and interpret it very narrowly as we saw happening to the point when General Shalikashvili earlier this year said, ''Whoa, your negotiations are threatening our defense; don't go any further,'' this is not the place for that to be.

Let me read again the letter from General O'Neil. He says everything in here complies with ABM, and he says additionally, and I quote, ''Tests, experiments, programs that are sufficiently developed, but not yet in the acquisition process, are also scrutinized and do not violate treaty obligations.''

I ask, ''What more can you want unless you have a hidden agenda?''

Mr. DELLUMS. Reclaiming my time, I thank the gentleman.

The gentleman made an assertion that our distinguished colleague and all of us in these chambers respect. The gentleman from South Carolina [Mr. SPRATT] has said on more than one occasion it is not the intent of this amendment to go beyond the ABM, but simply to comply——

Mr. WELDON of Pennsylvania. But it does.

Mr. DELLUMS. Now I would like to yield to the gentleman from South Carolina because his word, his credibility, and his integrity and his intelligence on this issue have been called into question. I would like the gentleman to have an opportunity to respond specifically to that assertion.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from South Carolina.

Mr. SPRATT. Would the gentleman in the well explain to me what he meant when he said I wanted to liberalize the amendment when all the plain language of this calls for is compliance with the terms of the amendment as it may be amended and modified——

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield to me?

Mr. DELLUMS. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. This bill, according to General O'Neill of our administration, maintains there is no violation of the ABM Treaty.

Mr. DELLUMS. That is not the question.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

Mr. SPENCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have said it before. Others have said it. This amendment is a red herring. It clouds the issue. It is not in the best interests of this country, and those who would vote in support of this amendment are not laboring in the best interests of this country if they support it.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, let me again clarify what we are doing here.

During the process of the markup of this bill we were very clear as to not have this become a showdown on the ABM treaty. We took the steps to prevent an amendment from being offered that would have abrogated the treaty.

What the gentleman from South Carolina wants to do, because already General O'Neill certified on the record in this letter, which I will provide to every Member as they walk in the door, that what we are doing here does not violate the treaty; what he wants to do is to go a step beyond that and say, ''Now wait a minute. Our defense leaders in the Pentagon can't even tell us what we may be able to do that would violate the ABM treaty.''

This is not a bill about the ABM treaty. This is a bill about how we defend the American people. We want our chief of staff, we want the Joint Chiefs, to come back and tell us how we best defend the American people. Maybe they will say we need five sites for national missile systems, maybe they will say we should use Navy effort here. But the gentleman from South Carolina does not want to have that option. He does not want to even give us the chance to look at and allow—does not even want to give us the chance to explore those options that can better protect and defend the American people.

Mr. Chairman, this amendment is very simple. It would take and put a political spin on this bill that is not necessary, and I will cite for the record again the representative of the Clinton administration on missile defense is Gen. Malcolm O'Neill. On June 14, and if the gentleman from South Carolina does not have a copy of the letter, I will provide one to him, General O'Neill states in this letter to us as Members of the Congress that in no way does this bill in any way, shape or form violate the ABM treaty, any portion of the ABM treaty, or any of the testing and evaluation violate the ABM treaty. This amendment is not necessary according to Gen. Malcolm O'Neill's letter to us which states on the record that we are in full compliance.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. My colleagues, the ABM treaty is a promise, a treaty promise, that we will hold our citizens helpless and defenseless to a missile attack. In that sense it is an extraordinary treaty. There is no treaty that says we will hold our citizens defenseless to a tank attack, to a naval attack, to an aircraft attack, but we have a treaty that says we will hold our citizens defenseless to a missile attack.

Now the gentleman from South Carolina [Mr. SPRATT] wants to elevate the ABM treaty to a Holy Grail, to an endorsement that is going to send a message, and the problem is it is going to send a message to one country, and there are now dozens of countries which are making missiles, unlike the situation that existed when we put the ABM treaty into its initial phase.

So, we have a bill, and I would just say to the gentleman from South Carolina: If you were worried about the ABM treaty, you should have written General O'Neill. You should have said: Look at this bill, and, if you had any problems at all with the bill, if you had a response from General O'Neill saying this violates the ABM treaty, you could have carted it to Mr. WELDON, and he would have taken care of it.

This bill does not violate the ABM treaty.

Mr. SPENCE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from South Carolina is recognized for 1 minute.

Mr. SPENCE. Mr. Chairman, I want to say this: People, of course, in this world can look at the same set of facts and arrive at a different conclusion. Our Maker has allowed us to do that. I have said it on other occasions, but the American people right now are defenseless against foreign powers firing missiles at us, defenseless, and our country is responsible for us being defenseless against these missiles because of just what we have heard here from the other side today.

Now, I will say this to my colleagues and everybody else that will want to listen to me, If and when, and I pray to God we don't ever have to face this critical decision of a missile coming in from somewhere and we have no defense against it, the people who are trying to delay us in our effort to provide this defense will be held accountable to the American people and their own conscience.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 242, not voting 8, as follows:

[Roll No. 373]

AYES—185

Abercrombie	DeFazio	Greenwood
Ackerman	DeLauro	Gutierrez
Baldacci	Dellums	Hall (OH)
Barrett (WI)	Deutsch	Hamilton
Becerra	Dicks	Harman
Beilenson	Dingell	Hastings (FL)
Bentsen	Dixon	Hefner
Berman	Doggett	Hilliard
Bevill	Dooley	Hinchey
Bishop	Doyle	Holden
Bonior	Durbin	Hoyer
Borski	Edwards	Jackson-Lee
Boucher	Engel	Jacobs
Brewster	Eshoo	Jefferson
Browder	Evans	Johnson (SD)
Brown (CA)	Farr	Johnson, E. B.
Brown (FL)	Fattah	Johnston
Brown (OH)	Fazio	Kanjorski
Bryant (TX)	Fields (LA)	Kaptur
Cardin	Filner	Kennedy (MA)
Clay	Flake	Kennedy (RI)
Clayton	Foglietta	Kennelly
Clement	Ford	Kildee
Clyburn	Frank (MA)	Klink
Coleman	Frost	Lantos
Collins (IL)	Furse	Laughlin
Collins (MI)	Gejdenson	Leach
Conyers	Gephardt	Levin
Costello	Gibbons	Lewis (GA)
Coyne	Gonzalez	Lincoln
Cramer	Goodling	Lofgren
Danner	Gordon	Lowey
de la Garza	Green	Luther

Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Porter
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn

NOES—242

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Tucker
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Fields (TX)
Kleczka
LaFalce
Myrick
Slaughter
Stockman
Wilson
Yates

☐ 1458

Mr. GOSS changed his vote from ''aye'' to ''no.''

Mr. LAUGHLIN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chairman, I was unable to be present for rollcall vote No. 373 earlier today. Had I been present, I would have voted ''aye.''

☐ 1500

REQUEST TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mr. SPENCE. Mr. Chairman, pursuant to section 5(c) of House Resolution 164, I request that during the consideration of H.R. 1530, amendments numbered 30, 1, 3, 33, and 37 printed in part 2 of House Report 104–136 be considered immediately following consideration of the amendments printed in subsection E of part 1 of that report and that the aforementioned amendments printed in part 2 of the report be considered in the order recited above.

The CHAIRMAN. The gentleman's request is noted.

It is now in order to consider amendment No. 2, as modified, printed in subpart D of part 1 in House Report 104–136.

AMENDMENT, AS MODIFIED, OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment, as modified.

The CHAIRMAN. The Clerk will designate the amendment.

Amendment, as modified, offered by Mr. DEFAZIO: Page 38, line 18, insert ''(a) IN GENERAL.—'' before ''Of the amounts''.

Page 38, after line 22, insert the following:

(b) REDUCTION.—The amounts provided in subsection (a) and in section 201(4) are each hereby reduced by $628,000,000.

(c) NATIONAL MISSILE DEFENSE AMOUNT.—Of the amount provided in subsection (a) (as reduced by subsection (b)), $371,000,000 is for the National Missile Defense program.

At the end of title IV (page 161, after line 3), insert the following new section:

SEC. 433. ADDITIONAL MILITARY PERSONNEL AUTHORIZATION.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1996 for military personnel the sum of $628,000,000. Of the amount appropriated pursuant to such authorization—

(1) $150,000,000 (or the full amount appropriated, whichever is less) shall be for increased payments for the Variable Housing Allowance program under section 403a of title 37, United States Code, by reason of the amendments made by section 604; and

(2) any remaining amount shall be allocated, in such manner as the Secretary of Defense prescribes, for payments for the Variable Housing Allowance, the Basic Allowance for Quarters, and the Basic Allowance for Subsistence in such a manner as to minimize the need for enlisted personnel to apply for food stamps.

Page 280, beginning on line 19, strike out ''beginning after June 30, 1996'' and inserting in lieu thereof ''after September 1995''.

The CHAIRMAN. Under the rule, the gentleman from Oregon [Mr. DEFAZIO] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Does the gentleman from South Carolina [Mr. SPENCE] seek the time in opposition?

Mr. SPENCE. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, there has been a lot of arcane debate in the last hour and a half over BMD and TMD and compliance with treaties.

Let us bring the debate back down to Earth for a few minutes. Let us bring the debate back to Earth for a few minutes here and confront some bitter realities.

Yesterday during the debate on the rule, the esteemed gentleman from New York, Mr. SOLOMON, said how it used to be a scandal, referred to the bad old days of equipment shortages and days even when members of the military were forced to be on food stamps. Well, unfortunately we have not banished those bad old days. There are an estimated 8,000 to 15,000 families, no one really knows, currently receiving food stamps who are active duty, full-time members of the military.

Now, the committee recognized this was a problem, but the committee only put up one-quarter of the money that was estimated that was needed to take care of this problem. And what I am saying is, we need to get our priorities straight. Do we need a further increase in ballistic missile defense beyond that asked for by the president? The president asked for a 1-year increase, inflation adjusted, of more than 1 percent in ballistic missile defense and fully funded all the requests of the Pentagon for theater missile defense. The committee has gone in and micromanaged the theater missile defense, added more money to ballistic missile defense. And yet after they add $628 million there, they can only find one-quarter of the funds they need to get our young men and women and their families, people serving today full time, enlisted in the military, off of food stamps. That is a scandal.

Let me read briefly from the National Military Family Association, a letter they sent to me.

''The system has become unfair to all military families but to those at the lower end of the income scale it can be devastating. The National Military Family Association is fully aware that the costs of creating a VHA minimum floor,'' that is a housing allowance, ''are not inconsequential. What price, however, do we put on a family's safety? How can we ask young service members to deploy at a moment's notice when they know their family will be left to fend for themselves in a rundown trailer park with a history of break-ins and robberies?''

The Pentagon itself, officials are deeply troubled by an increasing number of military families turning to food stamps.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, I rise in strong opposition to the Dellums-DeFazio amendment to cut funding for ballistic missile defense programs.

Mr. Chairman, the proliferation of ballistic missiles, brought home so vividly by Iraq's use of Scud missiles during Operation Desert Storm, warrants an aggressive response to this growing threat. Accordingly, H.R. 1530 adds funds to the most promising theater missile defense [TMD] systems, including for example, the Navy's lower and upper tier systems and the Army's theater high altitude area defense system.

This amendment would cut funds for these programs and delay the date by which advanced theater missile defenses for our troops could be deployed. I don't believe that we should delay adequately defending our troops any longer.

Likewise, the amendment would dramatically cut funding for national missile defense research and development. The practical effect of this would be to ensure that Americans here at home remain unprotected against missile attack for the indefinite future.

Given the on-going strategic modernization efforts of Russia and China, and the likelihood that ''rogue regimes'' will acquire or develop a capability to attack the United States homeland, I oppose this amemdment.

Therefore, I strongly urge a ''no'' vote on the Dellums-DeFazio amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, during the debate over the budget resolution, Member after Member came to the House floor to talk about the tough choices we would need to make in order to balance the budget. Now, as I listened to the debate here this afternoon, I wondered just what sort of tough choices the advocates of increased star wars spending had in mind. Did they mean sacrificing SSI for the elderly for SDI for a pork barrel in the sky for the defense contractors in our country? Is that the tough decision?

Did they mean the elderly and those struggling to make ends meet should tighten their belts so that the Government should spend billions of additional dollars on a discredited defense program? Is that what they really mean by tough choices?

Or did they mean sacrificing students loans and cutting back student loans which is what the Republican budget does for the sake of star wars? Is that the tough choice they made, swapping educational grants for working-class kids to go to college so that we can have a star-wars-in-the-sky project that does not work? Or do they mean the tough choice of cutting back hot lunch programs for kids so that we can finance a program like this that has no mission, does not work, has never been put in place and we know is only a drain on our economy?

Let me tell you something, a lot of things have changed in the last 15 years, the music, the fashion in this country, but one thing has not changed, SDI still stands for ''same dumb idea'' that it did in 1983, when it was introduced. And you are going to change it now to BMD, ballistic missile defense, but BMD really stands for ''big money drain,'' out of programs for the elderly, out of programs for the kids in this country.

Let us just keep a few simple facts in mind. The cold war is over. The Russians are having a hard time controlling the Chechens, much less attacking the United States or launching a brand new missile program. It is time for us to support the DeFazio-Dellums amendment and its proper prioritization of money in this country.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, it seems that some Members in this body are still living in the period of 15 years ago, and they are using the SDR rhetoric, that is the ''same dumb rhetoric.''

The fact is that times have changed. We can no longer depend on mutually assured destruction to prevent a holocaust of our citizenry if a nuclear missile lands in a city in the United States of America.

When we had one enemy or two enemies, yes, mutually assured destruction worked. Today missile proliferation and nuclear proliferation means that in a few years we could face the scenario where a missile would be launched by an Iran or a Libya or some other country, maybe Afghanistan. Some people in Afghanistan will get their hands on a surplus Soviet missile and we could do nothing but sit back and listen to the same dumb rhetoric about hot school lunches and tell our people, well, I am sorry, we gave in to people who are more concerned about school lunches at the moment than we were about protecting our country against a holocaust that would cost millions of American lives.

SDI is not what it was 15 years ago. Now, for just a few billion dollars, we could actually implement a system that will protect us with the *Aegis* cruiser system from a missile attack from Iran. We should do that. That is what we should do. It is not time to defend SDI; it is time to implement it.

Mr. DEFAZIO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, in response to the previous speaker, it certainly is not what it was 15 years ago. We have spent $36 billion and the result is one faked missile test over the Pacific. They did not even shoot down that one incoming warhead. They had to blow it up with detonators that were on board. No, it is not what is was 15 years ago. It has wasted $36 billion and now they want to waste more.

☐ 1515

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. HOSTETTLER].

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today to voice my opposition to the Dellums-DeFazio amendment to this defense bill. The Constitution makes clear that it is the responsibility of Congress to provide for the defense of this Nation. Indeed, 6 of the 18 powers granted to Congress by article I, section 8, deal with the Congress' role in providing for national security. This, my friends, is the first and most important role of government. To me then, the question concerning ballistic missile defenses must be, ''Are such defenses necessary for the protection of our people?'' The hearings I have participated in the past 5 months allow me to state, with no reservation, that the answer is yes.

According to the March 9, 1995, testimony of Gen. Malcolm O'Neill, the director of the Ballistic Missile Defense Organization, more than 25 countries possess or may be developing nuclear, chemical, or biological weapons. Today, more than 15 nations have ballistic missiles. By the year 2000, perhaps 20 nations will have them. Given our inability to guarantee that these missiles and weapons of mass destruction will be in safe, sane, hands, we have no choice but to deploy defenses against them.

And the question that ultimately arises is this—''But Congressman, what does it cost?'' My answer is, what is it worth to protect us from global blackmail, terrorism, or a missile accident? What can we say to the next generation when they are held hostage by a foreign nation who claims to have a missile aimed at New York City or Evansville, IN? How can we live with

ourselves if Oakland, CA, or Sumter, SC, are blown away by the accidental launch of an ICBM?

We have no choice. Our consciences and our constitutional duty demand that we defend America from missile threats as soon as is practical. Folks, the technology is there, it is up to us to use it. I urge the defeat of the Dellums amendment.

Mr. DEFAZIO. Mr. Chairman, I yield myself 30 seconds.

Remember, Mr. Chairman, the Pentagon asked for $2.9 billion. They asked for full funding plus an increase of 1 percent over inflation for BMD. They got it. They have gotten an increase from $1.65 billion to $2.18 billion in theater missile defense and a 65-percent increase for other TMD programs. They have gotten all they ask for and more. Now the committee wants to add on top of that.

This is not needed, according to the Pentagon. We say it is needed to feed the troops and their families. We can prove that by the 15,000 families receiving food stamps. That is a scandal. That is a readiness problem. We should be dealing with that and get our priorities straight.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. SAXTON], a member of our committee.

Mr. SAXTON. Mr. Chairman, I rise in opposition to the Dellums amendment. I would say to the gentleman from Oregon, Mr. Chairman, that this is a time when we have to make tough choices. I would say that we are here in part, at least, because we have collectively cut the defense budget every year for the last 9 years.

I appreciate and understand the gentleman's willingness to want to build houses for military families with this money. It is important. However, those who would cut the funding of the ballistic missile defense see the world a far safer, friendlier place than the events in Korea, Iraq, China, or Russia could ever justify.

Currently, 12 developing countries have Scud-class or better missile systems. North Korea has successfully flight-tested a ballistic missile with a range of 620 miles, and recent reports have cited the Koreans as possessing a missile with a possible range of as much as 5,600 miles. I would once again point out that on January 18 of this year, the acting director of the Central Intelligence Agency, Adm. William Studeman, said these words. He said that, ''The missiles will be able to reach us,'' in his opinion, ''toward the end of this decade or the beginning of the next.'' This is not a choice that we like to make, this is a choice that we must make. This is an amendment which must be defeated in order to propel us in the correct direction.

Mr. DEFAZIO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, how many times is this Congress going to substitute its judgment for the judgment of the professionals at the Pentagon? Yes, there are problems at the Pentagon, but one problem they do not have at the Pentagon is not asking for enough money to accomplish the needed goals to defend this country.

We have had scandal after scandal where we have overexpended funds, where we have had cost overruns. This is a case where we have fully funded the request of the Pentagon in the President's budget, $2.9 billion. That is an increase in ballistic missile defense, and we are up to $2.18 billion for theater missile defense. That is up by, that is almost $600 million in a mere 2 fiscal years. The funding is more than adequate.

What we are doing here, Mr. Chairman, is adding money into the budget the Pentagon did not ask for, and micromanaging the theater missile defense program, one of the most successful programs in the Pentagon. Do not mess with it.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, it is amazing to listen to the rhetoric. It has not changed in 20 years, and refuses to acknowledge the tremendous progress that we have made in the area of antimissile defenses.

I would call the attention of this chamber to the article recently published by former Assistant Secretary of Defense Frank Gaffney, and specifically where he points to the progress that we have made with the Aegis Destroyer missile program. In fact, he suggests that many of our missile programs have resulted in costing more than they need to, and being deliberately made less effective than they could be.

We have spent nearly $50 billion in an infrastructure that can be rapidly adapted to kill ballistic missiles; namely, the Aegis anti-air missile defense system. We have scores of cruisers, thousands of vertical launching tubes, tremendously sophisticated radars, all of which are capable of potentially knocking down incoming ballistic missiles, and these ships could be equipped as early as 2 and 3 years ahead of time.

I think it is imperative that we continue to make the progress and build on the progress that we have made, because we are closer than ever to being able to implement an effective, workable, antimissile defense program, and the Aegis Destroyer is at the heart of it.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are hearing a lot about the increase of $600 million over what the Pentagon asked for, but I do not hear the other side responding to the fact that they did not fund the problem we have with 15,000 GI families on food stamps, living below the poverty level, living in unsafe conditions. They are not addressing that problem.

The committee dealt with it in a cursory manner. They recognized the problem. They said it should be dealt with. Then they said they could only afford 25 percent of the funds. With this amendment, we could afford more than 100 percent of the funds to bring our GI's and their families up above the poverty level.

It is a scandal, when the greatest Nation on Earth has members of its military and their families dependent upon food stamps, and living in unsafe and unwholesome conditions, and then we are going to ask those young men and women to go overseas and forget about the suffering of their families back home, forget about the food stamps, forget about the crummy place they are living.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, let me respond to my friend and first say that the Republican budget, and that is this defense budget, adds money to housing, so I hope the gentleman is dissatisfied with President Clinton's budget, because that is the budget that we increased with respect to housing.

Second, Mr. Chairman, Israel has housing shortages, but Israel devotes far more money to missile defense per capita than the United States does. That is because they live in a real world in which they have been threatened by missiles, they have been impacted by incoming missiles. It is that reality that is pressing us and compelling us to put forth the mark that we have. Missile defense is very important to our people in uniform.

Mr. DEFAZIO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, they still have not responded to the fact that yesterday the esteemed chairman of the Committee on Rules stood on the floor and said it would be a scandal to go back to the days when Members of the military and their families were on food stamps. Those days never went away. They are still here. We cannot ignore that reality.

Yes, I have been critical of the President on a number of things. Yes, his budget was not adequate to lift those families above the poverty level. Does that mean we should stay in the past? The committee only put up 25 percent of the money it estimates, which I believe is a lowball number, is necessary to get those families off food stamps. Which one-quarter of those people are we going to take off food stamps and which three-quarters are we going to leave on food stamps?

Mr. SPENCE. Mr. Chairman, I would ask, we have the right to close?

The CHAIRMAN. The gentleman from South Carolina is correct.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, first of all, in terms of why

we put 25 percent of the funding in, if the gentleman would have checked with DOD, it is because it is going to take them the first three-quarters of the next fiscal year to come up with the guidelines to implement the program. Why throw money when it cannot even be spent wisely, according to the gentleman's own administration's DOD leadership? Look at the facts.

Where was the gentleman when we fought 2 years ago to put a pay raise in for the military that the gentleman's President and his side did not want? We put it in at the committee level because we care about the troops.

In terms of BMD requests, it was General O'Neill who works at the Pentagon who said he would like to have $1.2 billion. We gave him $800 million, so it was not some number we came up with, it was the gentleman's administration's leader on missile defense that we sought to assist and help. Let us get our facts straight in this debate. Oppose this ridiculous amendment.

Mr. DeFAZIO. Mr. Chairman, it is sad the gentleman thinks it is ridiculous that there are 15,000 G.I. families today on food stamps, and tens of thousands of others living in dangerous and unsafe conditions in proximity to our military bases, while at the same time we are asking them to deploy overseas into dangerous situations, and forget about their families back home. I do not think that that is a ridiculous amendment.

For the gentleman to say it would take 9 months to figure out a program to help lift those 15,000 families and tens of thousands of others above the poverty level and the near poverty level, I believe that the Pentagon that could deploy a rescue mission within 4 hours to Bosnia can figure out a way to compensate our GI's, men and women serving today, to compensate them adequately, so their families are lifted above the poverty level, and they are no longer eligible and dependent upon food stamps and living in substandard conditions. That cannot take 9 months, Mr. Chairman. I do not believe that could take 9 months. It is a specious argument.

The priorities on the Republican side were to throw more money at ballistic missile defense, despite the $36 billion spent so far, which has yielded nothing except for one faked successful test over the Pacific Ocean, and to ignore the needs of those tens of thousands of GI's and their families. That is not a proper set of priorities.

What is it that is the military might of America, the enlisted men and women, or pie-in-the-sky? I say food on their tables and adequate housing for their families come before pie-in-the-sky.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. DEFAZIO] has expired.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman, I take this opportunity to address my colleagues in the context of this amendment. I would preface my remarks by saying that I take some issue with my colleague who characterized this amendment as a ridiculous amendment.

I am prepared to intellectually and politically address any Member of this Congress on the wide range of issues with as much dignity and as much respect that I can accord another human being. If Members disagree with the amendment, that is one thing, but to characterize it, it seems to me, does not speak to the highest and the best in any of us here.

Having said that, Mr. Chairman, let us come back to the reality of what we are talking about. The American people need to know that over the past several years we have spent over $35 billion, billion, of their taxpayers' dollars. The amendment before us simply says this. The administration requested, the Pentagon requested, $2.9 billion.

□ 1530

This amendment funds the administration request of $2.9 billion, roughly $2.5 billion for theater missile defense, so we fund theater missile defense at the level the military asked.

Then there is $400 million for national missile defense funded in this amendment, what the administration asked.

What my colleagues on the other side of the aisle in the context of the markup did was to add $628 million to that. So the issue is not that one side wants to do something that the other side did not want to do. The issue is, do you want to do it at that level?

So now we are at $3.5 plus billion. What the gentleman and this gentleman are attempting to do in this amendment is not to cut theater missile defense whatever, but to take the $628 million that was added over and above the request.

What do we want to do with this? I am having some difficulty understanding the debate here. We say that missile defense is important. We give the administration request.

We then say that our troops are important, the quality of their lives, their dignity as people is important. If it is, then you should embrace this amendment, because what we do in this amendment is take that plus-up of $628 million and we take our young people off food stamps.

My colleagues, you know why American military people are serving this country and they are on food stamps? Because the housing that is available to them off base is too expensive for junior enlisted people, so they end up on food stamps. So not only are they serving our country but they have to pay out of their pocket to serve our country. They are on food stamps, the very same young people that we walk into the well of the House in support of day in and day out.

Yet when it comes to their human dignity, when it comes to the quality of their lives, it is more important, it seems to me, to put $628 million into a technology that we have already spent $35 billion for, and nearly $3 billion per year for the last few years for this function. It is disingenuous to communicate that we are not doing that, but we are simply taking this $628 million, $150 million of it for veritable housing allowances.

You ought to be for that proposition. You pat these young people on the back when you visit them. Put the rest of the money into getting these young people off of food stamps. You go out there and visit them. You talk about how wonderful they are. You give them the old salute. You pat them on the back. You tell them how great they are.

But when it comes down to putting the rubber to the road, Mr. Chairman, it is more important to put something in space than it is to deal with these young people suffering on the ground, on food stamps, do not have adequate housing.

If your question to me is, am I pleased that you put a few more dollars in housing, you are right. My vote was with you, but that is not enough. You still have got thousands of young families here on food stamps, thousands of kids who cannot afford to live off base, but they are wearing the uniform, and we keep patting them on the back. We trot them out there in harm's way.

This is quality of life. Put your money where your mouth is. You keep talking about quality of life. This amendment is for the troops. Get out of space and get back here on the ground where our kids are living and dying.

Mr. SPENCE. Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman has 1 minute remaining.

Mr. SPENCE. Mr. Chairman, I also have the right to strike the last word?

The CHAIRMAN. That is correct.

Mr. SPENCE. But I hesitate to do that. Unless the gentleman would like some more time, I will yield to him.

Mr. DELLUMS. I appreciate my colleague's generosity. I have made my statement, and I cannot amplify further. I thank the gentleman.

Mr. SPENCE. Therefore, Mr. Chairman, I will not ask for my additional 5 minutes, but I would like to close in the 1 minute I have.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPENCE] is recognized for 1 minute.

Mr. SPENCE. Mr. Chairman, sometimes I think we go far afield and miss the point of just how serious this business of missile defense is. You do not have to be a superpower in this new world that we are living in to wage the horrors of mass destruction warfare on the rest of the world.

Indeed, a Third World country or a rouge nation can in a low-technology, inexpensive way produce weapons of

mass destruction, biological and chemical warfare weapons. Witness Oklahoma City and the subways of Tokyo.

These warheads can be affixed to cruise missiles with the proliferation of cruise missiles in the world today. They can be put on merchant ships, on airplanes, on submarines, and hit anywhere in this world. It is not just theater missiles that we are worried about anymore, because they can, in this way, reach any place in the world and bring the horrors of warfare to everyone. We are trying to defend against this threat in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 250, not voting 6, as follows:

[Roll No. 374]

AYES—178

Abercrombie	Gonzalez	Olver
Ackerman	Gordon	Orton
Baesler	Green	Owens
Baldacci	Gutierrez	Pallone
Barcia	Hall (OH)	Parker
Barrett (WI)	Hamilton	Pastor
Becerra	Hastings (FL)	Payne (NJ)
Beilenson	Hefner	Pelosi
Bentsen	Hinchey	Peterson (MN)
Berman	Holden	Pomeroy
Bishop	Hoyer	Poshard
Bonior	Jackson-Lee	Rahall
Borski	Jacobs	Ramstad
Boucher	Jefferson	Rangel
Brown (CA)	Johnson (SD)	Reed
Brown (FL)	Johnson, E. B.	Reynolds
Brown (OH)	Johnston	Rivers
Bryant (TX)	Kanjorski	Roemer
Cardin	Kaptur	Rose
Clay	Kennedy (MA)	Roybal-Allard
Clayton	Kennedy (RI)	Rush
Clement	Kennelly	Sabo
Clinger	Kildee	Sanders
Clyburn	Klink	Sawyer
Coleman	Klug	Schroeder
Collins (IL)	Lantos	Schumer
Collins (MI)	Latham	Scott
Condit	Leach	Serrano
Conyers	Levin	Shays
Costello	Lewis (GA)	Skaggs
Coyne	Lincoln	Slaughter
Danner	Lipinski	Stark
DeFazio	Lofgren	Stenholm
DeLauro	Lowey	Stokes
Dellums	Luther	Studds
Deutsch	Maloney	Stupak
Dingell	Manton	Taylor (MS)
Dixon	Markey	Thompson
Doggett	Mascara	Thornton
Dooley	Matsui	Thurman
Doyle	McCarthy	Torres
Duncan	McDermott	Torricelli
Edwards	McKinney	Towns
Engel	McNulty	Traficant
Eshoo	Meehan	Tucker
Evans	Meek	Velazquez
Farr	Menendez	Vento
Fattah	Mfume	Volkmer
Fazio	Miller (CA)	Ward
Fields (LA)	Mineta	Waters
Filner	Minge	Watt (NC)
Flake	Mink	Waxman
Foglietta	Moakley	Whitfield
Ford	Montgomery	Williams
Frank (MA)	Moran	Wise
Frost	Morella	Woolsey
Furse	Nadler	Wyden
Gejdenson	Neal	Wynn
Gephardt	Oberstar	
Gibbons	Obey	

NOES—250

Allard	Funderburk	Neumann
Andrews	Gallegly	Ney
Archer	Ganske	Norwood
Armey	Gekas	Nussle
Bachus	Geren	Ortiz
Baker (CA)	Gilchrest	Oxley
Baker (LA)	Gillmor	Packard
Ballenger	Gilman	Paxon
Barr	Goodlatte	Payne (VA)
Barrett (NE)	Goodling	Peterson (FL)
Bartlett	Goss	Petri
Barton	Graham	Pickett
Bass	Greenwood	Pombo
Bateman	Gunderson	Porter
Bereuter	Gutknecht	Portman
Bevill	Hall (TX)	Pryce
Bilbray	Hancock	Quillen
Bilirakis	Hansen	Quinn
Bliley	Harman	Radanovich
Blute	Hastert	Regula
Boehlert	Hastings (WA)	Richardson
Boehner	Hayes	Riggs
Bonilla	Hayworth	Roberts
Bono	Hefley	Rogers
Brewster	Heineman	Rohrabacher
Browder	Herger	Ros-Lehtinen
Brownback	Hilleary	Roth
Bryant (TN)	Hilliard	Roukema
Bunn	Hobson	Royce
Bunning	Hoekstra	Salmon
Burr	Hoke	Sanford
Burton	Horn	Saxton
Buyer	Hostettler	Scarborough
Callahan	Houghton	Schaefer
Calvert	Hunter	Schiff
Camp	Hutchinson	Seastrand
Canady	Hyde	Sensenbrenner
Castle	Inglis	Shadegg
Chabot	Istook	Shaw
Chambliss	Johnson (CT)	Shuster
Chapman	Johnson, Sam	Sisisky
Chenoweth	Jones	Skeen
Christensen	Kasich	Skelton
Chrysler	Kelly	Smith (MI)
Coble	Kim	Smith (NJ)
Coburn	King	Smith (TX)
Collins (GA)	Kingston	Smith (WA)
Combest	Knollenberg	Solomon
Cooley	Kolbe	Souder
Cox	LaHood	Spence
Cramer	Largent	Spratt
Crane	LaTourette	Stearns
Crapo	Laughlin	Stockman
Cremeans	Lazio	Stump
Cubin	Lewis (CA)	Talent
Cunningham	Lewis (KY)	Tanner
Davis	Lightfoot	Tate
de la Garza	Linder	Tauzin
Deal	Livingston	Taylor (NC)
DeLay	LoBiondo	Tejeda
Diaz-Balart	Longley	Thomas
Dickey	Lucas	Thornberry
Dicks	Manzullo	Tiahrt
Doolittle	Martinez	Torkildsen
Dornan	Martini	Upton
Dreier	McCollum	Visclosky
Dunn	McCrery	Vucanovich
Ehlers	McDade	Waldholtz
Ehrlich	McHale	Walker
Emerson	McHugh	Walsh
English	McInnis	Wamp
Ensign	McIntosh	Watts (OK)
Everett	McKeon	Weldon (FL)
Ewing	Metcalf	Weldon (PA)
Fawell	Meyers	Weller
Flanagan	Mica	White
Foley	Miller (FL)	Wicker
Forbes	Molinari	Wolf
Fowler	Mollohan	Young (AK)
Fox	Moorhead	Young (FL)
Franks (CT)	Murtha	Zeliff
Franks (NJ)	Myers	Zimmer
Frelinghuysen	Myrick	
Frisa	Nethercutt	

NOT VOTING—6

Durbin	Kleczka	Wilson
Fields (TX)	LaFalce	Yates

□ 1553

Mr. GUTKNECHT changed his vote from ''aye'' to ''no.''

Mr. HALL of Ohio and Mr. LEACH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment number 1 printed in subpart E of part 1 of the report.

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHAYS:

At the end of title XII (page 409, after line 18), insert the following new section:

SEC. 1228. REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE

(a) END STRENGTH REDUCTIONS FOR MILITARY PERSONNEL IN EUROPE.—Notwithstanding section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), but subject to subsection (d), for each of fiscal years 1996, 1997, 1998, and 1999, the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) in accordance with subsection (b).

(b) REDUCTION FORMULA.—

(1) APPLICATION OF FORMULA.—For each percentage point by which, as of the end of a fiscal year, the allied contribution level determined under paragraph (2) is less than the allied contribution goal specified in subsection (c), the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO by 1,000 for the next fiscal year. The reduction shall be made from the end strength level in effect, pursuant to section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), and subsection (a) of this section (if applicable), for the fiscal year in which the allied contribution level is less than the goal specified in subsection (c).

(2) DETERMINATION OF ALLIED CONTRIBUTION LEVEL.—To determine the allied contribution level with respect to a fiscal year, the Secretary of Defense shall calculate the aggregate amount of nonpersonnel costs for United States military installations in European member nations of NATO that are assumed during that fiscal year by such nations, except that the Secretary may consider only those cash and in-kind contributions by such nations that replace expenditures that would otherwise be made by the Secretary using funds appropriated or otherwise made available in defense appropriations Acts.

(c) ANNUAL ALLIED CONTRIBUTION GOALS.—

(1) GOALS.—In continuing efforts to enter into revised host-nation agreements as described in the provisions of law specified in paragraph (2), the President is urged to seek to have European member nations of NATO assume an increased share of the nonpersonnel costs of United States military installations in those nations in accordance with the following timetable:

(A) By September 30, 1996, 18.75 percent of such costs should be assumed by those nations.

(B) By September 30, 1997, 37.5 percent of such costs should be assumed by those nations.

(C) By September 30, 1998, 56.25 percent of such costs should be assumed by those nations.

(D) By September 30, 1999, 75 percent of such costs should be assumed by those nations.

(2) SPECIFIED LAWS.—The provisions of law referred to in paragraph (1) are—

(A) section 1301(e) of National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2545);

(B) section 1401(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1824); and

(C) section 1304 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2890),

(d) EXCEPTIONS.—

(1) MINIMUM END STRENGTH AUTHORITY.—Notwithstanding reductions required pursuant to subsection (a), the Secretary of Defense may maintain an end strength of at least 25,000 members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO.

(2) WAIVER AUTHORITY.—The President may waive operation of this section if the President declares an emergency. The President shall immediately inform Congress of any such waiver and the reasons for the waiver.

(e) ALLOCATION OF FORCE REDUCTIONS.—To the extent that there is a reduction in end strength level for any of the Armed Forces in European member nations of NATO in a fiscal year pursuant to subsection (a)—

(1) half of the reduction shall be used to make a corresponding reduction in the authorized end strength level for active duty personnel for such Armed Forces for that fiscal year; and

(2) half of the reduction shall be used to make a corresponding increase in permanent assignments or deployment of forces in the United States or other nations (other than European member nations of NATO) for each such Armed Force for that fiscal year, as determined by the Secretary of Defense.

(f) NONPERSONNEL COSTS DEFINED.—For purposes of this section, the term ''nonpersonnel costs'', with respect to United States military installations in European member nations of NATO, means costs for those installation other than costs paid from military personnel accounts.

The CHAIRMAN. Pursuant to the rule, the gentleman from Connecticut [Mr. SHAYS] and a Member opposed will each be recognized for 20 minutes.

The gentleman from South Carolina [Mr. SPENCE] is opposed to the amendment and will be recognized to control the 20 minutes in opposition.

The Chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I yield 10 minutes of my time to the gentleman from Massachusetts [Mr. FRANK] and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Chairman, I yield myself 1 minute to explain the amendment.

Mr. Chairman, this amendment passed last year, and on behalf of the gentleman from Massachusetts [Mr. FRANK], the gentleman from Michigan [Mr. UPTON], the gentlewoman from Oregon [Ms. FURSE], and the gentleman from New Jersey [Mr. MARTINI], we offer this amendment.

It is the burdensharing amendment requiring that Europe contribute 75 percent of the cost of our troops by paying 75 percent of the nonsalaried cost of our troops in Europe.

The amendment would ultimately save $9.5 billion in 5 years, if Europeans pay 75 percent, and it would have a $4 billion savings if they choose to not and we bring some of our troops home.

Mr. Chairman, this amendment would require an increase of 18 percent more each year to the alternate 75 percent by the year September 30th, 1999.

Mr. Chairman, the bottom line to this amendment is that we are asking the Europeans to do what we asked the Koreans and the Japanese to do, and that is to help pay for the cost of our troops overseas by paying 75 percent of the nonsalaried cost.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I might consume.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, I rise in opposition to the Shays amendment linking burden sharing to the forward deployment of U.S. forces in Europe.

This amendment would appear to make good fiscal sense and to be in the interest of the taxpayer, but that is not the case. In truth, its passage would prove penny-wise but, pound-foolish. The interests and concerns of our European allies are but a small element of a greater issue of responsibility-sharing that we consider here today. As we move to pass this defense authorization bill, we are obligated to re-evaluate America's national defense needs, but we must avoid the isolationist temptation to over-simplify our important role in Europe, and in the world. The United States is a global superpower whose well-being is tightly linked to international peace and stability. It is in our primary interest to preserve these conditions, as we have done in Europe with NATO for over 45 years. To do so, we must maintain a forward presence to deter and, when necessary, to quickly defeat aggression that challenges our interests. A decision to link American military presence in Europe to our allies' willingness or ability to pay ignores this basic fact.

Despite the end of the cold war, no one can argue with certainty that the threat from the former Soviet Union is gone. Russia must still be regarded as a potential threat to American interests in Europe, and elsewhere. Amidst a period of transition, other potential threats to U.S. interests are likely to emerge in Europe. Ethnic or civil conflicts will continue, as in the former Yugoslavia. Unless defused or contained early on, they can escalate, spilling over into areas of direct interest to the people of the United States.

Threats and challenges to American interests can emerge suddenly and unexpectedly. Certainly, the Persian Gulf war taught us and our adversaries that the United States won't likely have the luxury of time of prepare for such conflicts in the future. This requires us to maintain a forward-deployed defense posture.

The Shays amendment to link the presence of U.S. forward-deployed forces to host nation support, is unsound and dangerous during this period of uncertainty. While U.S. armed forces in Europe commonly serve mutual interests of our friends and allies, they are there to, first and foremost, defend the vital national security interests of this country and the American people.

While I support U.S. forces being stationed in Europe as established by this body last year, I also support continued negotiations to increase host nation support. However, I feel that legislating diplomacy as proposed by the Shays amendment is bad policy and not in the best national security interest of this Nation.

I urge my colleagues to vote no on the Shays-Frank burdensharing amendment.

□ 1600

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

First, I would note every negative thing you will hear about burdensharing with Europe today, you heard from exactly the same institutional leaders against burdensharing with Japan 5 years ago. The House overrode that, insisted on burdensharing with Japan, and we are several billion dollars less poor and no less safe.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

I would remind the Members of the House that it has now been 50 years since World War II and yet we are still spending billion of dollars subsidizing the defense of Europe.

I had hoped to offer an amendment, which the Committee on Rules did not allow me to offer, to require them to contribute 100 percent of the cost. This amendment makes them contribute 75 percent of the cost.

It is a wise idea. These are not war-torn, war-shattered countries. These are First World countries with first-rate economies and compete vigorously with us in every area of commercial life, and they have been able to provide their people with better health care, better education and better protection from crime, due to the fact that we subsidize a principal part of their budget.

In fact, while we are spending about $1,153 per capita on defense in this country, a significant portion of which defends them, they are only spending $419 per capita on defense in their countries.

I also point out to you that is ironic that while we are subsidizing our allies' defense, our government borrows money to pay for a deficit, a large portion of which ends up being borrowed from the very nationals whose defense we are subsidizing, thereby saving them money. Surely, 50 years after

World War II, it is time to tell our European allies, ''We love you, we are with you, but you pay your share of your own defense.''

Mr. SPENCE. Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado [Mr. HEFLEY], the chairman of our Military Construction Subcommittee.

Mr. HEFLEY. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. SHAYS and Mr. FRANK. In my judgment, this debate is not about burden- sharing—every Member is for burdensharing. This debate is about the integrity of our forward-deployed presence in Europe. This amendment is little more than a thinly disguised attempt to reduce force structure.

The amendment ignores the current statutory framework for burdensharing. To listen to the proponents of the amendment tell the story you would get the impression that the allies are doing virtually nothing to share the burden. These are the facts:

The 1995 defense authorization bill contained a target for our European NATO allies to contribute to our stationing costs in Europe. The Department of Defense expects to meet, and exceed, the 37.5 percent target by the statutory deadline of September 30, 1996. In fact, by fiscal year 1997 DOD expects the allies to pick up over 40 percent of those costs.

The Shays-Frank amendment mandates that for every 1,000 ground troops required to be withdrawn from Europe, half will be discharged. The amendment could result in thousands of involuntary separations.

Adoption of the Shays-Frank amendment would negate the permanent authorized end strengths contained in the bill before the House.

This amendment would harm the ability of the United States to respond to crises in Europe, the Middle East, and Sub-Saharan Africa. The sharp reductions in force structure contemplated by the Shays-Frank amendment would not have permitted us to prosecute Operation Desert Shield/Storm in the manner we did. The fig leaf of Presidential wavier authority in the event of an emergency cannot hide the fact that our forward-deployed presence in Europe serves an American national purpose. Our forces are not some form of European welfare.

The amendment ignores the careful, prudent, and fiscally responsible drawdown we have already undertaken in Europe. As the chairman of the Subcommittee on Military Installations and Facilities, I have monitored the drawdown in Europe. Since 1990, we have closed 878 installations—a 63-percent cut—and reduced our troop presence by over 200,000—a 69-percent cut.

The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, Gen. George Joulwan, Supreme Allied Commander in Europe, and Gen. Gordon Sullivan, the Army Chief of Staff all oppose this amendment.

I urge my colleagues to reject this relic of the past.

Mr. SHAYS. Mr. Chairman, I yield myself 30 seconds to just point out to the Members here that the Europeans in 1993 paid 14 percent of our costs, $2.1 billion total, but in cash only $301 million. That number dropped down to $2.2 billion, and only $252 million, and then it dropped down to $60 million. The Europeans are only providing $60 million of cash, and only $1.1 billion.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I reluctantly oppose the position of my chairman on the Committee on National Security.

I have served overseas myself, in the Philippines, Japan, and Korea, and I know that the economy is supplemented by every military troop that we have in station. Those countries' economies are supplemented by our military pay.

Secondly, those countries need us in place. Japan supports 77 percent, Korea 60 percent, but yet Europe supports only 20 percent of the cost—20 percent.

It has been said that Bosnia is a European problem, but yet who do you see there paying the majority and the lion's share? They need us there for their freedom, and freedom comes at a great cost, great sacrifice to our families, a lot of dollars that we have to borrow and also, yes, it does cost American lives.

It is about time, and I do not think it is asking too much, that we ask the nations, in which we provide that freedom to pay a fair share of that freedom.

We take a look across at other countries, and I wish we did the same. We are giving great amounts of dollars to South Africa, and yet the only place we can get titanium is in South Africa and the Ukraine. Why can we not get something back from a lot of countries, not just Europe?

So I think this amendment actually falls short in a lot of areas in which we invest that we should be getting something back, and in this case we are willing to sacrifice in some cases for freedom for American lives. I think the Europeans should pay their fair share in lives, in dollars, and in sacrifice.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just say briefly that the comptroller of the Department of Defense disagrees with every single figure the gentleman from Connecticut [Mr. SHAYS] gave just a moment ago.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, each year during debate on this amendment I have said—and it bears repeating once again—that at the heart of this debate, pure and simple, is the issue of defining and maintaining our country's ability to sustain its strategic interests abroad. It should be clear that to each and every Member that our allied security arrangements in Europe, Japan, Korea, and the South Pacific serve as the underpinning of our larger vital interests throughout the world. Those vital interests cannot be protected without a substantial U.S.-forward deployed presence. That presence, and the associated leadership and prestige it brings, is at risk if the House takes action to force untenable reductions in our forces in Europe.

This so-called ''burdensharing'' amendment actually calls for the withdrawal of U.S. Forces from Europe. It would be folly to take rash action now that could speed a return to the kind of confrontation that compelled us to station over 300,000 troops in Europe for several decades during the cold war.

Given the present uncertainty in Russia and elsewhere in central and eastern Europe, this is no time to precipitously withdraw our forces in that region.

This is not to say that the United States should not continue to vigorously pursue arrangements with our allies that would be more beneficial to the United States. Indeed, the American people deserve no less. But the American people must also know what is at stake in Europe if U.S. forces are cut too far and too fast.

Accordingly, I urge my colleagues to vote against the Shays-Frank-Upton amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE], a coauthor of the amendment.

Ms. FURSE. Mr. Chairman, why do the Concord Coalition, the National Taxpayers Union, and the Citizens Against Government Waste support this amendment? Well, for the same reason that so many Americans do. They all think it is only fair that Europe pick up a fair share of its own defense costs.

While the Europeans enjoy universal health care and a fine education system, we pick up their defense costs, and we have to cut education to our own citizens.

We begin to give our own constituents a break when we bring the money home from Europe. My constituents and all Americans deserve nothing less.

I urge support of this amendment.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I oppose this amendment.

This amendment attacks stability. It attacks all that we have stood for in Europe since the Second World War.

We do not have to do much history reading to see that twice we have been back to Europe to save them from tyranny. Harry Truman helped establish NATO. This is a direct attack on NATO. This is a direct attack on stability.

I urge my colleagues to take the time to read this amendment. Look at the language, and you see it is not a burdensharing amendment. It is one to actually cut the troop strength in Europe and, in truth, in fact, we are cutting down and down, and we will have, and have, only two army divisions with two brigades left in Europe.

□ 1615

We have cut our troop strength down there by 63 percent, down to a hundred thousand force level. As a result of previous congressional action, there it should stay. We cannot allow our stability, our presence, most of all our leadership in Europe, to come unglued.

This amendment does away with American forward presence in Europe, it does away with our leadership, it does not give us the voice that we should have, and the passage for our military and our ability to work with our allies in the field because we will not have adequate forces there.

We should turn this down, see this amendment for what it is. Though it is called a burdensharing amendment, in truth and fact it is an amendment to cause us to lose our leadership in NATO. We cannot allow that.

Mr. SHAYS. Mr. Chairman, I yield myself 30 seconds just to comment to two comments.

First off, our statistics come from the 1996–97 budget estimates of the Department of Defense host nation support, May 1995. This is where we are taking our statistics, so if the Department of Defense disagrees with their statistics, they are disagreeing with their own statistics.

I would just like to point out to our colleagues that Europeans today only pay $60 million in cash. The Japanese pay $3.4 billion in cash contributions to the United States. The Europeans are not stepping up to the plate, and they need to.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, the premise of our amendment is very simple, and it is also fair. If our European allies do not begin paying their fair share of nonpersonnel costs for maintaining U.S. troops in Europe, then we are going to gradually reduce our troops.

A few years ago we had the same argument on this floor with regard to Japan. In fact, we heard exactly the same arguments against what we are doing today back then, but guess what? We passed that bill that day, and, when we begin talking about burden sharing, let us emphasize the word ''sharing.'' It should be understood that our regional interests are the shared interests of the nations in which we house our troops, and guess what? Because of what we passed several years ago, the Japanese contribute today 76 percent of the nonsalaried costs of U.S. troops. What is that figure? It is $4 billion. What are the Europeans doing today? Not 76 percent, where we are with the Japanese, not 50 percent, not 40 percent, not 30. It is a puny 20 percent.

As we have to work in this body towards a balanced budget, we have heard over and over that we have got to make some tough choices. Well, how on earth can we continue to spend billions and billions of dollars for the defense of wealthy European nations like the United Kingdom and others when it is time for them to begin to share their responsibility? This is a year when Members in this Congress are asking taxpayers to tighten their belts. It is only fair that we ask the Europeans to do the same.

Some have suggested to me today that perhaps, if this amendment passes, we would lose the authority to control our troops overseas. Nothing could be further from the case. U.S. control exists, and I urge all of my colleagues to support this amendment that we passed on this House floor last year by a two to one margin.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. SHAYS and Mr. FRANK and others which would seriously impede the ability of the United States to defend its own national security interests.

Clearly, it is in our interest to require foreign nations who benefit from mutual security arrangements to pay their fair share. I support continued negotiations to achieve that. My colleagues may remember that a compromise was reached last year that provided for our European allies to pay 37.5 percent, an increase from 25 percent in 1990. However, our European allies will actually contribute in excess of 40 percent of such costs.

More importantly, in the area of force structure, this amendment would cut off our nose to spite our face. This amendment not only calls for the removal of our forces, but requires the United States to reduce personnel by half of all troops removed from Europe. This reduction would come on the heels of the most significant drawdown in U.S. end strength levels in over 50 years. Since 1990, the United States has reduced troop levels in Europe by 69 percent—from 330,000 to approximately 100,000. Earlier, U.S. troop strength was actually 500,000. This amendment, in the name of burdensharing, would reduce that force structure even more.

These mandated force structure cuts would compromise our national security interests around the globe.

Our forward based troops in Europe today are not a vestige of the cold war. In Operation Desert Shield/Storm, 95 percent of the strategic airlift, 90 percent of combat aircraft, and 85 percent of the naval vessels used in the conflict were either staged in or passed through Europe. Indeed much of our reasons for keeping troops in Europe are designed to protect U.S. interests in the Middle East, and elsewhere. Yet the sponsors of this amendment make no pretense at charging the beneficiaries in the Middle East, or elsewhere for this benefit.

And our forces in Europe have been deployed to conduct military or humanitarian operations in northern Iraq, Rwanda, the former Soviet Union, and in the former Yugoslavia. It would be foolhardly to attempt any of these missions with the base level of 25,000 troops specified in this amendment.

I urge all my colleagues to vote ''no'' on this well-intentioned, but seriously misguided amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I yield myself such time to say, ''I'm grateful to all of those who have risen today to say you don't need this because of the great amendment we had last year. I would note that every single one of them that said that voted against it last year, so they voted against it last year and fought it. When we got it done over their objection, they watered it down some. They now welcome it, and that's been the pattern. They said no when we tried to do it to Japan. It's worked well. They said no last year. They are always going to be against it when we try to do it, and then they'll use it only when they can to stop something better from happening.''

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. LUTHER].

(Mr. LUTHER asked and was given permission to revise and extend his remarks.)

Mr. LUTHER. Mr. Chairman, I rise in strong support of the burden sharing amendment to the military budget bill. This amendment wisely requires our allies to bear a greater share of the financial burden of maintaining U.S. troops in Europe. We simply can no longer afford to pay more than half of the nonpersonnel costs of maintaining our troops while European NATO nations contribute less than 25 percent. With this amendment we have the potential here today to save up to $9.5 billion over the next 4 years.

I can, frankly, understand how during the cold war the current financial arrangements came about. But this is a classic case of where changed times require changed policy in this country. In these days of budgetary constraint here at home and yet multiple commitments abroad, we must ask our allies who compete against us for business and jobs in this world, we must ask them to share in the cost of our international military operations.

With the cold war over, it is time for us in this country to enter a new era, an era of tough decisions and new priorities. I urge my colleagues to join with me in supporting this amendment.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I rise in strong opposition to the Shays burden-

sharing amendment. If passed, this amendment would seriously disrupt NATO relations imperiling the most effective and singularly important military alliance in which the United States participates. Maintaining security in Europe requires building a new European security architecture that takes advantage of the Western alliances' victory in the cold war. The United States has a vital national security interest in building that stability and in seeing that another major war does not engulf Europe. We cannot do so without being on the ground with sufficient presence in Europe. The CINC for Europe and the Department of Defense all believe that the approximately 100,000 troops that remain after nearly a 70-percent cut of cold war levels are the minimum sufficient for maintaining that presence and for undertaking the many missions upon which they are called to perform.

This amendment, and I will tell the gentleman from Massachusetts, ignores last year's legislation and the DOD's success in moving toward a 2-year goal that was secure 37 and a half——

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman voted against last year's legislation and is ill-suited to invoke it now.

Mr. SISISKY. Reclaiming my time, the amendment that passed last year was not the amendment that we are working on right now. It is the amendment that we have right now, but not the one that came out of conference.

More than that, we should not attempt now, especially since the comparison to the Japan-United States contribution agreement are wrong on the facts. Europeans spend a good deal in forces and operations that support U.S. vital national interests. We had our troops in Europe because they are in the United States' vital national interests. Our troops are not there for the Europeans' convenience. They are there for our convenience.

Please do not destroy NATO, do not reduce our forces. Vote ''no'' on Shays.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MARTINI] to speak on the exact same amendment as introduced last year except for the change in the dates.

Mr. MARTINI. Mr. Chairman, I rise in support of the burdensharing amendment.

Like most of my colleagues, I am committed to ensuring that the U.S. military is the finest fighting force in the world. We certainly owe this to the brave young men and women who serve their country in uniform.

I am, however, also very concerned about the fiscal crisis facing America. With a $4.5 trillion public debt and annual budget deficits of $200 billion we must look to reduce Federal spending everywhere we can.

During the cold war, the forward presence of United States troops on the European continent was necessary to neutralize the impending Soviet threat, but the time has come for our European allies to contribute to the cost of freedom in Europe.

Both Japan and Korea assume over 70 percent of the nonpersonnel costs for United States deployed in these countries.

Yet, astonishingly, our European friends contribute less than 25 percent of the nonpersonnel costs. This in my opinion is just plain wrong. Our European allies must step up to the plate. This amendment will simply require our friends to contribute 75 percent of the nonpersonnel costs of U.S. troops stationed in Europe by the year 2000.

If our allies choose to ignore the gradual payment scale outlined in this amendment, the Secretary of Defense will be required to reduce U.S. troop levels in Europe by 1,000 soldiers for each percentage point that the Europeans fall below the established targets.

Mr. Chairman, we will—and we have—hear from some today about how this amendment will severely jeopardize U.S. national security interests. This simply is not true. All of the arguments alleging disruption of our deployment are conditioned upon and apply directly on the willingness of our European allies to share in these costs.

Our amendment would also allow the Secretary of Defense to retain up to 25,000 troops, U.S. troops, even if these nations fail to comply with our proposal. Furthermore, the President may waive these requirements of our amendment if he believes our national security would be threatened.

Mr. Chairman, we have asked, and we will continue to ask throughout this summer, the American people to make reasonable sacrifices to reach a balanced budget. We should expect nothing less from our European allies. I urge support of this amendment.

□ 1630

Mr. HEFLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding time to me. To my colleague, the gentleman from New Jersey, who I would say I am in opposition to his statements, but to say my opposition is a position that would not be true in his eyes would, I think, be a misstatement.

Mr. Chairman, I rise in opposition to the amendment. Burdensharing is a vital component of our national security strategy. Requiring our allies to pay their fair share for their own defense is a prudent and commonsense policy.

However, I object to this amendment directly linking mandatory troop withdrawals from Europe if NATO nations do not meet burdensharing goals by a date certain.

The United States has fought two hot and one cold war in Europe during this century. In the case of the two World Wars, the rush to withdraw U.S. troops from Europe created a vacuum that necessitated our return to that continent at a later date with a greater cost in lives and treasure. We must not repeat this mistake.

Our presence in Europe is a commitment too valuable to the vital national security of the United States to jeopardize lightly. This amendment ties the hands of the Commander in Chief and could force our withdrawal from NATO at a dangerous and difficult time for the alliance.

I urge my colleagues to vote to maintain our flexibility in NATO and reject this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just say that being for burdensharing in principle while you promise to keep the troops there is a very unpersuasive way to get the Europeans to put up any money. As long as they can have the troops for free, they will not contribute.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR] who began our successful effort to compel burdensharing by offering an amendment to require burdensharing from Japan, which drew every single negative argument we have heard today back then.

Mr. BONIOR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, indeed, it does seem like deja vu. We have heard these arguments over the over again. But I think it is important for those who have not been here to recap what actually happened back in 1990.

We were debating the defense bill late into the evening. I walked into the well and I offered an amendment requiring that the Japanese pay their fair share. Here we are, having a huge trade deficit with the Japanese, we have got 50,000 troops over there, they are paying about 20 percent of the cost. The amendment passed overwhelmingly with about 350 votes.

Now, what is interesting about this amendment, it occurred at the time we are negotiating with the Japanese in Tokyo over a large contribution from them for our efforts in the gulf war. We wanted $4 billion from them, they offered us $1 billion. Two nights later, after the amendment was offered here that passed back in 1990, I get a call at 11 o'clock at night from the Japanese Ambassador, who told me they had met in a special session in Tokyo and that they were going to up the increase in their contributions in the gulf war from $1 to $4 billion. They eventually doubled it from there.

The upshot of this is it has saved not only in contributions in fighting the war in the gulf but certainly in burdensharing and supporting our troops over there, tens of billions of dollars. We have an opportunity today

to do the same things with our friends and allies in Europe. Requiring our European allies to pay their fair share will save us nearly $10 billion over the next 5 years.

I seems to me that if we are going to target seniors and target kids to cut this deficit, the least that we can do is ask our allies to pay their fair share. This amendment says that the days of the free ride are over. I hope my colleagues will support the amendment that is being offered on this floor.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

(Mr. BATEMAN asked and was given permission to revise and extend his remarks.)

Mr. BATEMAN. Mr. Chairman, I rise in opposition to this amendment and would certainly compliment the colleagues who preceded me in opposition to it for the cogency of their remarks.

Quite frankly, I find the amendment not only something that I disagree with, its fundamental premise is something that I think is offensive to the people who wear the uniform of the United States of America and who happen to be deployed under direction of their commanders to various places throughout the world, especially if it happens to be in Europe.

The premise of this amendment is that our troops are in some sense mercenaries there defending someone else for which we must receive an offsetting payment. They are not there in that role. They are there defending the interest and the security of the United States of America. I hope we are not going to forget that.

If we care about the NATO alliance, we cannot add but so much stress to it here on the floor of this House, where we have taken a position of unilateral lifting of the arms embargo against the Bosnian Moslems. We are at great points of difference in the pace in which we admit new states to the NATO alliance. There are differences that are running throughout that alliance, and it is not without some capacity of breaking that alliance.

Where then is the security interests of the United States served by this sort of thing, which has great political superficial appeal, but which has little more than that to offer in terms of national security policy for the United States of America?

Do not treat our forces as if they were mercenaries serving someone else's security needs. They are there, they are deployed in response to our security needs, and I hope we will not forget that when we vote on this amendment.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. GEREN].

(Mr. PETE GEREN of Texas asked and was given permission to revise and extend his remarks.)

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in opposition to this amendment. It has been noted over and over that the Concord Coalition, the Citizens against Government Waste, and the National Taxpayers Union support this amendment. This amendment is penny wise and pound foolish. I commend those organizations for the great work they do in many other areas. They totally miss the point on this issue.

The premise of this amendment, as pointed out by my colleague from Virginia, Mr. BATEMAN, is that somehow we are over in Europe out of the goodness of our hearts. We are in Europe to protect vital American interests.

I would like to share with my colleagues a letter we received today from General Shalikashvili and Secretary Perry.

Because half the forces withdrawn from Europe would be eliminated, this amendment would lead to unilateral U.S. force reductions and compromise the President's ability to protect U.S. interests, not only in Europe but throughout the world. We request your support in defeating this amendment. Sincerely, John M. Shalikasvili and William Perry, Secretary of Defense.

I urge my colleagues to vote no on this amendment.

Mr. SHAYS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to use my 2 minutes to just briefly describe in clearer terms hopefully what is happening presently and what happened in the past.

In the past, the Europeans contributed, in 1993, $2.1 billion in in-kind and in cash payment. In 1994 they went to $2.2 billion. Then it dropped to $1.1 billion in 1995. In cash, they went from $301 million to $252 million, and now down to $60 million. So I hear people say we need to continue this dialog in negotiations, at this rate we are going to have no contribution. We are going in the wrong direction. They are contributing less.

Now, that is one point I just feel needs to be on the table. The other point that needs to be on the table is we have made a gigantic assumption the Europeans do not value our troops in Europe. I think that is a fallacious argument. The Europeans must know that our troops are serving the world interests in Europe, our interests as well as theirs.

We are simply asking them to do what the Japanese and the Koreans do. If the argument worked and was logical for the Japanese and the Koreans, why is it not logical for the Europeans? It is. We have a difficult task. We have a defense budget that is not going to basically increase for the next 5 years. That means we have to find other ways to save money.

I care about national defense. We need to help get more money from others to help this incredible task that we have, and I urge passage and adoption of this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time, 3 minutes.

Mr. Chairman, the gentleman from Connecticut has made a very important point. This will lead to American troop withdrawal only if you believe that the Europeans are unprepared to pay anything at all. I think that is wrong. I think the Europeans would be getting the great bargain of the world, because contrary to the suggestion that these would be mercenary troops, America will still pay the salaries of these troops. What we will be asking the Europeans for are the basing costs, part of the basing costs.

Every single argument advanced against this amendment today has been made against every burden-sharing argument ever put forward. In fact, we have this great paradox: Members who voted against burden sharing a couple of years ago when the House passed it now want to take credit for what the House did and use that as an argument for not doing it anymore. But the day we stop passing the amendments is the day they will stop helping.

We are in a terrible budget crisis. We all acknowledge that. We have differences about how to deal with it. But all of them are painful. The question is, should we tell our European allies that they alone in the world will get a free ride. Because we do this with Japan. We are cutting foreign aid elsewhere. The wealthiest nations in the world, those in Western Europe, will do this.

Members have said well, you know, we started this in 1949. It was necessary in 1949. In 1949 they were poor and Stalin was strong. But have they not outgrown that position of dependence on us? It is not time for the Europeans to have a turn to make a contribution?

Again, the argument is that if we ask them to contribute, they will somehow break off this alliance. Apparently the notion is that America has nothing to offer if we do not heavily subsidize them. Apparently the notion is that they have no interest in being our allies. Apparently America is the baby that is so ugly that if you do not put a lamb chop around its neck, the dog will not play with it. You know what? The troops in Europe we pay for, that is the lamb chop.

We have to approach the Europeans and say, ''Please let us protect you and we will pay for it.'' You know what the most popular book from Europe is? Tom Sawyer, because they have figured out not only how to get America to paint the fence, but to get us to pay for it. As far as using that for the Middle East, yes, we were able to use it in the gulf war. But when Ronald Reagan wanted to bomb Libya, Europe was off limits. The Europeans have in fact been obstreperous and objected sometimes when we wanted to use our troops there for the Middle East.

We recognize that there is a partnership. These arrangements that now exist date from the time when we were all powerful and all wealthy and they were devastated by World War II and the communists were very powerful. We are prepared to cooperate now. But

you have got the most one-sided arrangement around. The wealthiest nations in the world, the Europeans, pay very little for their defense. None of them has a defense budget that remotely approaches ours. Most of them have percentages much less than ours. The only way this will cause us to withdraw troops is if they say ''Take it and get out.'' In fact, I will predict to my colleagues they will cause a troop withdrawal if they do not get some support from the Europeans for keeping them there.

Mr. HEFLEY. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. WELDON].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 2 minutes.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, this is a feel good amendment. It is a feel good amendment because who back home could be against you wanting to bring our troops back home? Let us bring them all back home. Let us bring everybody back to America. Let us not just stop here. Let us bring them all home.

Let us about burden sharing around the world. Where were the colleagues on the floor here when we wanted to bring the troops home from Haiti, which costs the taxpayers $1.5 billion? Where was the burden sharing there? Where were our colleagues when we had the Somalia vote and we said bring our troops home from Somalia. Where were the burden sharing concerns then? How about our colleagues on Israel? And I support the Arrow program. Should we have Israel fund 75 percent of the costs of the Arrow program to defend their country, like we are paying?

Mr. Chairman, the ability for us to deter aggression around the world is directly dependent upon our ability to stop regional conflicts.

□ 1645

We are there not just to defend our allies. We are there to protect our troops from being involved in war. All of us in this body are for burdensharing. Let us get it clear, all of us on both sides.

The question here today is how fast and how much. It is a simple question on this amendment, I submit to my colleagues.

Do you trust the judgment of General Shalikashvili and General Sullivan, who have both gone on record and are against this amendment, or do you trust the judgment in this case of my colleague from Massachusetts and my colleague from Connecticut?

I will tell you where my judgment is. My judgment is for the support of General Shalikashvili and General Sullivan who are charged with the responsibility of the lives of our young military personnel, not because they want to pass some feel-good bill in the Chamber of this body.

I say oppose the Frank-Shays amendment.

Mr. BENTSEN. Mr. Chairman. I want to express my strong support for Representatives SHAYS, FRANK, UPTON, and FURSE burdensharing amendment. I believe that our allies should contribute to help cover the cost of U.S. troops stationed in those countries.

This amendment requires NATO nations to cover specified percentages of these nonpersonal costs—beginning with 18.75 percent by September 30, 1996 with a modest increase in the following years reaching 75 percent by September 30, 1998. Such nations which do not comply would see a reduction in U.S. troop strength. This is in accordance with recent agreements with the Japanese Government. Furthermore, the amendment allows the President to waive the requirement if he determines an emergency.

Fifty years after World War II, we still spend tens of billions of dollars to defend Europe and Japan. While American taxpayers have been subsidizing the defense of our allies, our allies have been able to provide more resources for health care for their citizens, education for their children, and better crime protection for their neighborhoods.

In 1994, our trade deficit with Germany alone was over $12 billion. In many cases, our allies have been subsidizing their industries and products to compete, sometimes unfairly, with American products. As a result, we have lost jobs.

Ironically, American taxpayers have been subsidizing our allies defense, while our Government borrows money to finance deficit spending.

I believe that at a time when we are closing bases and laying off approximately 81,000 soldiers and civilians, it is wrong for American taxpayers to continue paying billions of dollars to subsidize the defense of our allies who have adequate wealth of their own.

It is time to end America's biggest welfare program—the subsidization of the defense our European allies. We must demand that our NATO allies begin paying their share of the bills, bills that the American taxpayer have paid for far too long.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. SHAYS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 156, not voting 5, as follows:

[Roll No 375]

AYES—273

Abercrombie	Bentsen	Bryant (TN)
Ackerman	Bilirakis	Bryant (TX)
Allard	Bishop	Camp
Andrews	Blute	Cardin
Archer	Boehlert	Chabot
Baldacci	Bonior	Chapman
Barcia	Bono	Chenoweth
Barrett (WI)	Borski	Chrysler
Barton	Boucher	Clay
Bass	Brewster	Clayton
Becerra	Brown (CA)	Clement
Beilenson	Brown (OH)	Clyburn
Coble	Hobson	Peterson (MN)
Coburn	Hoekstra	Petri
Coleman	Hoke	Pomeroy
Collins (IL)	Holden	Portman
Collins (MI)	Horn	Poshard
Condit	Hyde	Pryce
Conyers	Istook	Rahall
Costello	Jackson-Lee	Ramstad
Coyne	Jacobs	Rangel
Crane	Jefferson	Reed
Cremeans	Johnson (CT)	Regula
Cunningham	Johnson (SD)	Reynolds
Danner	Johnson, E. B.	Riggs
Davis	Jones	Rivers
de la Garza	Kanjorski	Roemer
Deal	Kaptur	Rogers
DeFazio	Kasich	Rohrabacher
DeLauro	Kennedy (MA)	Ros-Lehtinen
Dellums	Kennedy (RI)	Roth
Deutsch	Kennelly	Roukema
Dickey	Kildee	Roybal-Allard
Dingell	Kim	Royce
Dixon	Kingston	Rush
Doggett	Klink	Sabo
Dooley	Klug	Sanders
Doolittle	LaHood	Sanford
Doyle	Lantos	Sawyer
Dreier	Leach	Scarborough
Duncan	Lewis (CA)	Schaefer
Durbin	Lewis (GA)	Schiff
Ehlers	Lightfoot	Schroeder
Ehrlich	Lincoln	Schumer
Engel	Lipinski	Scott
English	LoBiondo	Sensenbrenner
Ensign	Lofgren	Serrano
Eshoo	Lowey	Shaw
Evans	Luther	Shays
Ewing	Maloney	Skeen
Farr	Manton	Slaughter
Fattah	Markey	Smith (MI)
Fawell	Martinez	Smith (NJ)
Fazio	Martini	Smith (WA)
Fields (LA)	Mascara	Souder
Filner	Matsui	Spratt
Flake	McCarthy	Stark
Flanagan	McDade	Stockman
Foglietta	McDermott	Stokes
Foley	McInnis	Studds
Forbes	McKinney	Stupak
Ford	McNulty	Tate
Frank (MA)	Meehan	Thomas
Franks (CT)	Meek	Thompson
Franks (NJ)	Menendez	Thornton
Frost	Metcalf	Thurman
Furse	Meyers	Torricelli
Gallegly	Mfume	Towns
Ganske	Miller (CA)	Traficant
Gejdenson	Mineta	Tucker
Gephardt	Minge	Upton
Gilchrest	Mink	Velazquez
Gillmor	Moakley	Vento
Gonzalez	Moran	Visclosky
Goodlatte	Morella	Volkmer
Goodling	Nadler	Wamp
Gordon	Neal	Ward
Green	Neumann	Waters
Greenwood	Ney	Watt (NC)
Gutierrez	Norwood	Watts (OK)
Gutknecht	Nussle	Waxman
Hall (OH)	Oberstar	Weller
Harman	Obey	Whitfield
Hastings (FL)	Olver	Williams
Hayes	Orton	Wise
Hefner	Owens	Wolf
Heineman	Pallone	Woolsey
Herger	Parker	Wyden
Hilleary	Pastor	Wynn
Hilliard	Payne (NJ)	Young (AK)
Hinchey	Pelosi	Zimmer

NOES—156

Armey	Browder	Cooley
Bachus	Brown (FL)	Cox
Baesler	Brownback	Cramer
Baker (CA)	Bunn	Crapo
Baker (LA)	Bunning	Cubin
Ballenger	Burr	DeLay
Barr	Burton	Diaz-Balart
Barrett (NE)	Buyer	Dicks
Bartlett	Callahan	Dornan
Bateman	Calvert	Dunn
Bereuter	Canady	Edwards
Berman	Castle	Emerson
Bevill	Chambliss	Everett
Bilbray	Christensen	Fowler
Bliley	Clinger	Fox
Boehner	Collins (GA)	Frelinghuysen
Bonilla	Combest	Frisa

Funderburk	Linder	Rose
Gekas	Livingston	Salmon
Geren	Longley	Saxton
Gibbons	Lucas	Seastrand
Gilman	Manzullo	Shadegg
Goss	McCollum	Shuster
Graham	McCrery	Sisisky
Gunderson	McHale	Skaggs
Hall (TX)	McHugh	Skelton
Hamilton	McIntosh	Smith (TX)
Hancock	McKeon	Solomon
Hansen	Mica	Spence
Hastert	Miller (FL)	Stearns
Hastings (WA)	Molinari	Stenholm
Hayworth	Mollohan	Stump
Hefley	Montgomery	Talent
Hostettler	Moorhead	Tanner
Houghton	Murtha	Tauzin
Hoyer	Myers	Taylor (MS)
Hunter	Myrick	Taylor (NC)
Hutchinson	Nethercutt	Tejeda
Inglis	Ortiz	Thornberry
Johnson, Sam	Oxley	Tiahrt
Johnston	Packard	Torkildsen
Kelly	Paxon	Torres
King	Payne (VA)	Vucanovich
Knollenberg	Peterson (FL)	Waldholtz
Kolbe	Pickett	Walker
Largent	Pombo	Walsh
Latham	Porter	Weldon (FL)
LaTourette	Quillen	Weldon (PA)
Laughlin	Quinn	White
Lazio	Radanovich	Wicker
Levin	Richardson	Young (FL)
Lewis (KY)	Roberts	Zeliff

NOT VOTING—5

Fields (TX)	LaFalce	Yates
Kleczka	Wilson	

☐ 1707

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the notice given earlier today, it is now in order to consider amendment No. 30 printed in part 2 of the report.

AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. POMBO: At the end of title X (page 377, after line 19), insert the following new section:

SEC. 1033. ROTC ACCESS TO CAMPUSES.

''(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts

''(a) DENIAL OF DEPARTMENT OF DEFENSE GRANTS AND CONTRACTS.—(1) No funds appropriated or otherwise available to the Department of Defense may be made obligated by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the Secretary of Defense, has an anti-ROTC policy and at which, as determined by the Secretary, the Secretary would otherwise maintain or seek to establish a unit of the Senior Reserve Officer Training Corps or at which the Secretary would otherwise enroll or seek to enroll students for participation in a unit of the Senior Reserve Officer Training Corps at another nearby institution of higher education.

''(2) In the case of an institution of higher education that is ineligible for Department of Defense grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the Secretary that the institution no longer has an anti-ROTC policy.

''(b) NOTICE OF DETERMINATION.—Whenever the Secretary makes a determination under subsection (a) that an institution has an anti-ROTC policy, or that an institution previously determined to have an anti-ROTC policy no longer has such a policy, the Secretary—

''(1) shall transmit notice of that determination to the Secretary of Education and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives; and

''(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a)(1) on the eligibility of that institution for Department of Defense grants and contracts.

''(c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for Department of Defense grants and contracts by reason of a determination of the Secretary under subsection (a).

''(d) ANTI-ROTC POLICY.—In this section, the term 'anti-ROTC policy' means a policy or practice of an institution of higher education that—

''(1) prohibits, or in effect prevents, the Secretary of Defense from maintaining or establishing a unit of the Senior Reserve Officer Training Corps at that institution, or

''(2) prohibits, or in effect prevents, a student at that institution from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.''.

''(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. POMBO] will be recognized for 5 minutes, and the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I, along with my good friend, the gentleman from New York, GERRY SOLOMON, am offering this amendment today because I believe some of our institutions of higher education need to be put on notice that their policies of ambivalence or hostility toward our Nation's armed services do not go unnoticed by this House.

I believe that when a college vents its policy protests by denying its students the opportunity to participate in ROTC, then that school should be denied Department of Defense dollars. It is just that simple. If a college feels that funding from the Department of Defense is important, then they should not attack ROTC, which trains those who will defend the liberties and freedoms of all Americans.

Colleges and universities need to know that starry-eyed idealism comes with a price. If they are too good or too self-righteous to treat our Nation's military with the respect it deserves, then they may also be too good to receive the current generous level of DOD dollars. With the passage of this amendment, we will end this ungrateful double standard.

The bottom line is an issue of fairness. The House, representing the American people, needs to stand behind our young men and women in ROTC programs, our constituents across this country. We should not allow some institutions to accept generous amounts of DOD dollars while slamming the door on our future military leaders.

For our young men and women who train to defend the freedoms of all Americans, and for those who have proudly worn the uniform of this country, I urge my colleagues to support the Pombo-Solomon amendment, and send a message over the wall of the academic ivory tower.

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the amendment offered before the body at this moment. Mr. Chairman, this is not the first time that this amendment has come before us. I rise in opposition for the same reasons that I rose in opposition last year.

Mr. Chairman, there are several reasons why this amendment should be voted down. Not the least of these reasons is that it prevents the Secretary of Defense from utilizing, to the advantage of the United States, all of the academic and research institutions that the Secretary should have at his or her disposal.

Second, it micromanages the policy decisions of our U.S. universities. Who are we from these Chambers to dictate the policies of American universitites? There are a variety of reasons why a university may determine that it is not interested in allowing senior ROTC units on the campus. That is not to say that the Department of Defense still cannot benefit on behalf of all of our men and women in uniform by the academic research skills of an institution that chose not to have a program on their campus.

It strikes this gentleman that we are, again, cutting off our noses to spite our faces. Let us also be aware that this is about compelling universities to respect the Department of Defense position that does not allow gay men and lesbians to serve openly in the service. This is also one of the targets of this amendment. In that regard, Mr. Chairman, it could have a chilling impact on the free speech rights of university campuses, the prerogatives of academic centers, and administrations around the country.

Mr. Chairman, my distinguished colleague, the gentleman from California, used the phrase, and I jotted it down, ''Starry-eyed idealism will have to pay a price.'' This is America, Mr. Chairman, or did I fall asleep and awaken in some other country? This is a Nation where we feel proud of the fact that people may engage in their first amendment rights, where we have differences of opinion, Republicans and

Democrats, liberals, moderates, and conservatives, people on the left and the right. That is what makes this Nation strong and powerful.

Are we saying here because some institution, by virtue of their decisions, engage in what we determine is starry-eyed idealism, I hope all the children of this country are starry-eyed idealists. It is not pessimists who bring change or who bring the best out in us, it is the dreamers, the hopers, the idealists, and the optimists. That is no reason for us to punish universities.

Mr. Chairman, this is an amendment that takes us backward into the 19th century. It does not catapult us forward as a beacon of light and freedom and commitment to democratic principles, and the right of people to have different perspectives and different points of view.

□ 1715

Mr. Chairman, I believe that we should preserve that precious freedom, that precious dignity that comes from people expressing their points of view under the first amendment to the Constitution.

I ask my colleagues to preserve our national security establishment's access to the best minds in this country, to not allow us to be blocked by some narrow perspective to attempt to punish and to micromanage because we happen to disagree with some other group of people or institution's judgments about decisions we make.

That is not how democracy operates. I hope that my colleagues will rise today to their highest and their best and reject this amendment. It is not in the best interests of our national security. I have laid that out. It is not in the best interests of the Constitution of the United States. I have laid that out. I do not think that it speaks to the highest and best in us as we function on this floor in this institution.

With those remarks, Mr. Chairman, I urge a no vote on the Pombo-Solomon amendment. I urge my colleagues to follow me in that.

Mr. POMBO. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I would say to my good friend from California, you did not fall asleep and wake up in a different country. We woke up to a new majority, I guess, here in the Congress.

What I would also say to my colleague, the gentleman from California (Mr. DELLUMS), is that I am going to rise in support of this because to me young men and women must not be denied the opportunity to prepare for careers of serving our Nation in the military while attending college. Some of our students and young minds, which we both have a great deal of respect for, are being denied that opportunity.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, a constituent of mine, Paul Anderson, sent me an April 28 article from Human Events magazine about a young man at Yale University named Flagg Youngblood. Flagg Youngblood is a hard-working student. In addition to taking a full academic load, he is taking ROTC.

However, at Yale in order to take ROTC he has to travel 65 miles twice a week during his junior and senior year to get to an ROTC room, because Yale University will not let them teach it on campus. Although if he wants to take a course called ''The Story of Incest,'' he can take that on campus.

While Yale is making that judgment, they are greedily taking on the other hand a $5 million contract from the U.S. Army. We are not micromanaging Yale University. If they want to have ''The Story of Incest'' as one of their main academic majors, let them, but do not come back to us with the other hand, while you are kicking Flagg Youngblood and the other young men and women who want to join ROTC off campus, and then take a $5 million grant. I urge an ''aye'' vote for the Pombo amendment.

Mr. POMBO. Mr. Chairman, I have 1 additional speaker. I would inquire if they have any additional speakers on the other side.

The CHAIRMAN pro tempore (Mr. MCINNIS). The time of the gentleman from California [Mr. DELLUMS] has expired. He has no time remaining.

Mr. DELLUMS. Mr. Chairman, I would say to my colleague that at the appropriate point in my role as ranking minority member, I do have the right to strike the requisite number of words, and I shall use that opportunity. I will not be locked out at the end of this debate.

The CHAIRMAN pro tempore. The gentleman from California is correct. He does have the right to strike the last word and proceed for 5 minutes, but his current time has expired.

The gentleman from California [Mr. POMBO] may proceed.

Mr. POMBO. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. SOLOMON].

The CHAIRMAN pro tempore. The gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, is recognized for 2 minutes.

Mr. SOLOMON. Mr. Chairman, this Pombo-Solomon amendment, this important amendment, would put an end to the hypocrisy that is running rampant on our Nation's college campuses. It happens all the time. Currently dozens of colleges and universities across this country, including the prestigious ones such as Harvard and Yale, blatantly discriminate against students willing to serve their country, and it is so aggravating to this Member.

Last year the Congress overwhelmingly approved a similar amendment prohibiting any Department of Defense funds to colleges which deny access to our military recruiters. They would not let our military recruiters on their campuses until we made them do it. That Solomon amendment is now the law of the land, and it strengthens our All-Volunteer Forces. It tells young people that serving in our armed services is an honorable career, it is an honorable profession, and it is.

We are not going to take this nonsense from academia. They are going to let these ROTC students on their campuses or they are not going to get a nickel from this Federal Government.

Read the Constitution. The United States Constitution mandates that we must provide for a common defense to take care of the strategic interests of this country at home and around the world. Please vote for the Pombo-Solomon amendment. You have done it year in and year out on other issues similar to this. Speak up again for America.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] is recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman, let me reiterate the arguments that this gentleman is trying to propound.

No. 1, I say to my colleague, it seems to me that w2e as policymakers here have a responsibility to step back and take the longer view. My first argument is that we should do nothing that would stand in the way of our U.S. military establishment having access to the best minds in this country, irrespective of whether we agree with their policies or not. That is No. 1.

We all come here saying we are committed to national security. We should have access to the best thinking, the clearest minds, the most cogent ideas that are possible. So whatever our misgivings are, they should not deny us the opportunity to go straight there, to have access to the best minds in the country. That is the first argument that I would make.

The second argument that I would make is that irrespective of whether we agree or disagree with the policies taken by a university, by its academic senate or by its faculty, that that should not stand in the way of that first point.

No. 2, because it seems to me that there are moments, Mr. Chairman, when we should be large people. We should be big people. We should be committed to democratic freedoms and principles.

As I was saying to some of the young people behind the aisle earlier today, we should never be so frightened of an idea that we turn our backs from it. The day that I am no longer willing to expose myself to a different point of view and a different perspective is the day that I die intellectually and I die spiritually.

It seems to me that if we do not agree with a university because they choose, for whatever reason, and that is the beauty of America, that they

choose to have or not have an ROTC, we should not engage in policies that are punitive in that regard. We should be a big beacon of light to the world, Mr. Chairman, about how strongly we believe in the fundamental principles of freedom, freedom and the right of people to make choices, even choices that they disagree with.

I would say to my distinguished colleague who mentioned that I did not wake up in a foreign country, I awakened to a new reality, I understand that. That is why I simply stepped up out of the chair of the chairman and moved over to the chair of the ranking minority member, and kept on doing business and kept on fighting back, because I respect that. That is the nature of this process. That is the beauty and the power of it, the right of people to make a decision, and you move on.

I am saying that that should be the same thing in the context of academic freedom. Those are the two points that I was choosing to make.

I yield briefly to my distinguished colleague, the gentleman from California.

Mr. DORNAN. I thank my friend for yielding.

I was listening very carefully what you said. I understand that, your opening words about standing tall and trying to understand this.

However, I think that you are looking at it from the top down, at the university's prerogative to say ''We are going to do thus and such.'' But I have had in my office fine young men and women, just what you were describing, the best young minds in our country, that have said to me, ''Congressman, can you not make this university where my dad graduated, my grandfather, my mother, they have the major that I want to participate in, but I want ROTC available to me.''

If you look at it from the standpoint of the students who are saying, why am I being denied this opportunity, I think quite honestly it cancels out the two-way fiduciary relationship that teachers and students have.

Mr. DELLUMS. Reclaiming my time, because I understand the point you are making, you make your point very well, I think.

Query: Should it be the role of the United States Congress to force a university? The beauty of our higher educational system is that we have public and private institutions. When we start dictating, you change the nature of our role in people's lives.

It should not be to make them. It should not be to punish them. Maybe we encourage, maybe we offer benefits, but it seems to me that it is not about being punitive because we disagree with a policy decision they make. That is not the highest and the best of what I think America is all about.

I yield happily to my colleague.

Mr. BUYER. I thank the gentleman from California [Mr. DELLUMS].

Your No. 1 argument is in fact my argument, also, when you said that you want the military to have access to the greatest minds in this country by way of research. You see, I would like for the military to also have equal access and opportunity to great minds who can be great leaders, whether they are noncommissioned officers or officers. We are denied that opportunity from a high quality recruiting pool. We share the very same argument, perhaps on different policy grounds.

Mr. DELLUMS. I simply say, you and I, a world ago when we were young people, we shopped around for universities. We were not military people. They can do the same thing.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. I thank the chairman for yielding me the time.

Mr. Chairman, it just seems to me it is appropriate for us to pause and reflect on whether or not there is any implication in this bill for interfering with academic freedom, the right of any college or university to make whatever choice it chooses to make with reference to participation in a ROTC Program.

But is it not certainly a part of life, even in academia, that decisions have consequences? I do not think it is an unreasonable consequence to say, as a matter of public policy of this Congress, that a college or university that chooses to disdain participation in a program that is important to the security of the United States of America is a college that should not expect to receive the largesse of the Treasury of the United States of America.

This is not a denial of freedom. It is no infringement on the first amendment. It is a simple matter of accountability and making your decisions have consequences which logically and properly follow the decisions that you make.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, my colleague from California very eloquently stated the problem that we have with trying to implement ideas and disagreements that exist between people.

What we are faced with right now is universities that may have a disagreement with Federal policy and Federal law. Their response to that is to kick off the young men and women who belong to ROTC, to kick them off campus because they may share a differing point of view or they may represent an agency of the Federal Government that has a differing point of view than the leaders of that university do.

Their response to that is to put them out of sight and out of mind and say, ''We are not going to deal with that.'' But at the same time they require that the Federal funding continue to come to that university, and they continue to request that the Federal Government continue to fund their programs at their university.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, my father is a college professor, Ph.D. My sister is a college professor. My mama has a master's degree; my other sister does, too. I come from an academic background and strongly believe in the academic freedom.

I think it is very important for universities and professors and faculty to be idealistic. Yet at the same time, when they come to Congress or to any other source asking for a resource or money, then they have to yield some of that freedom away.

All we are saying is, ''We are not going to micromanage you. Go ahead and kick ROTC off the campus, but don't come to the same Department of Defense and ask for a grant if you are not going to let ROTC on the campus. You can have your academic freedom, but what you cannot do is have it both ways.''

I think in that context we are not micromanaging Harvard or Brown or Stanford or Yale or any of these other offending universities.

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Mr. SPENCE. Mr. Chairman, I yield 45 seconds to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I appreciate the gentleman for yielding me this time.

Mr. Chairman, I first want to say, my friend, one of the gentleman's colleagues, used the term ''largesse'' and you said ''grants.'' These are not just grants, they are also contracts. And the gentleman and I both understand the definition of contract. It means that you enter into an arrangement where a product is returned to the Federal Government.

That is exactly the point that I was making; that we have access to those brilliant minds, research and development that give us that product back so we are not simply talking about a gift.

Finally, in checking the data, I learned, and the gentleman can tell me if I am wrong, there has been no student that has been forced off a campus. As a matter of fact, whenever these ROTC problems have arisen there have been specific plans laid out to allow that student to finish their education within the framework of what they chose to do.

Mr. SPENCE. Mr. Chairman, I yield 45 seconds to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, we have in this country the finest young men and women in the entire world serving in our military; and they are a cross-section of America.

But if we go and talk to any of the recruiters where we have district offices back home, we find that recruitment is falling off because we have had

such severe cutbacks in our military today.

We depend on our all-volunteer military. We want that cross-section of America. And our young men and women are entitled to serve their country. But when we have limitations on the numbers that are in the military budget today, all we are asking is that young men and women have a right to serve their country.

When we passed the law several years ago that said military recruiters will be allowed on the campuses or else they do not get any defense grants, do my colleagues know what they did? The colleges threw open their doors again. These recruiters are now on campuses. That is what this amendment does, the same thing; vote yes on the amendment offered by the gentleman from California [Mr. POMBO].

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Pombo amendment because it would restrict the flexibility of the Secretary of Defense in making the best decisions possible about the making of defense contracts. As you all know, the funds we make available for any Federal program are precious. Each dollar needs to be spent to maximum advantage. We should not insist that political ideology interfere with decisions which should be made on merit.

Defense contracts should not be made as a reward for having ROTC programs but should be awarded based on a finding that the institution has the best ability to deliver the needed product at the lowest cost and highest possible advancement of the goal of the contract. To start making these decisions based on perceived support or opposition to ROTC programs is a disservice to the Department of Defense and the American people.

I urge a no vote on the Pombo amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. POMBO].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, the Chair announces that the Chair will postpone requests for recorded votes on any of the next five amendments until after debate has been concluded on amendment number 37. So the gentleman from California [Mr. DELLUMS] will have that opportunity after number 37.

The point of no quorum is considered withdrawn.

The gentlewoman from Colorado [Mrs. SCHROEDER] not being on the floor, it is now in order to consider amendment number 3 printed in part 2 of House Report 104–136.

AMENDMENT OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment number 3 offered by Mr. BERMAN: Strike out section 1224 (page 398, line 22 through page 402, line 22).

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. BERMAN] will be recognized for 5 minutes and a Member opposed, the gentleman from South Carolina [Mr. SPENCE], will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BERMAN asked and was given permission to revise and extend his remarks.)

Mr. BERMAN. Mr. Chairman, the bill before us installs at the end of the cold war, in the context of having watched what happened when countries around the world sold arms into the Middle East, what happened with Desert Shield and Desert Storm where frequently American troops had to face western weaponry and western technology that was used against them, this bill creates, I think, quite unbelievingly an entire new loan guarantee program for arms exports uncapped in a fashion that allows the U.S. Government, and the taxpayers of this country, should that government fail to pay the obligations it has for the arms that it is purchasing, to pick up the costs and pay off the defense contractor, the arms exporter who is making the sale.

I think it is a terrible mistake. The administration thinks it is wrong. A coalition yesterday of both conservative and progressive organizations ranging from the Cato Institute to the Progressive Policy Institute specifically called for the eliminating of military export sales subsidies and indirect subsidies to foreign purchases of U.S. defense firm products.

This is the perfect and classic example of a corporate subsidy, of a form of corporate welfare, but in a very dangerous and reckless arena. It is seeking to promote, and I understand the pressures on the defense budget, and I understand the desires of the defense contractors to look for new markets for their weapons systems, but to put the full faith and credit of the U.S. Government and the American taxpayer behind the question of whether or not a particular government will make the payments on those sales is a terrible, terrible mistake.

How many of my colleagues remember when we passed through this House a bill forgiving $7 billion or $8 billion in Egyptian loan payments which were already very delinquent and which CBO thought we would only collect $200 million on if we never forgave a penny?

We are right now dealing with a question of Jordan debt relief this bills makes, not simply to NATO members, which by the way includes countries that are credit risky like Greece and Turkey but APEC members in the Far East including China, including Thailand, a whole series of other countries, as eligible to receive these export loan guarantees.

I suggest this is an unnecessary program to try and subsidize a particular industry which already dominates the world market. Seventy percent of arms exports in 1993 were sold by U.S. defense contractorings. Well over 50 percent of arms exports this past year were by U.S. arms exporters.

We make the best weapons. We can sell those weapons on the merits. We do not need to be subsidizing these corporations in their effort to find markets which in many cases can lead to problems of regional instability and flows of technology and reexports that we are not able to control.

I would urge the Members to vote for my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself 1 minute.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, the Berman amendment seeks to strike a provision in the committee bill that establishes a defense export loan guarantee program designed to help keep the U.S. defense industrial base competitive and to keep thousands of high-wage, high-tech jobs from going overseas.

The global defense export market is shrinking, and foreign competition to U.S. military sales is growing more intense every year. European foreign military sales are increasing and assuming a greater share of the share of the global market.

Our friends and allies realize the importance of government-industry cooperation in this area and have chosen to preserve their defense industrial bases by attracting foreign military sales contracts with government subsidies. This has hampered the ability of American defense contractors to compete in a market where government subsidies have tilted the playing field in the favor of foreign defense firms.

Unless countered, this trend will increasingly threaten the defense industrial base of the United States.

H.R. 1530 addresses this problem, not by resorting to Government subsidies to help U.S. industry, but by an innovative program to allow the seller and buyer of U.S. defense products to cover the associated financing costs.

Mr. BERMAN's amendment would kill this program to make American-made weapons systems and defense technologies more affordable to approved purchasers without Government subsidies, and at no cost to the American taxpayer.

Just as importantly, contrary to the claims you will hear in support of the Berman amendment, the loan guarantee program in the bill will not lead to any increases in arms sales. Whatever arms sales will occur in the future,

will happen whether this program goes forward or not. The only difference will be whether the products sold are American or foreign made.

In summary, Mr. Chairman, if the Berman amendment passes, it will damage the competitiveness of the U.S. defense industry, erode the Nation's defense industrial base and ultimately threaten our long-term national security interests. In light of these facts, I strongly urge my colleagues to vote ''no'' on the Berman amendment and help maintain one of the most important sectors of our economic strength.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in strong support of the gentleman's amendment, which is to amend the amendment offered by the gentlewoman from California [Ms. HARMAN]. I wanted to put on the record once again that the administration opposes the loan program and believes that it is unnecessary given the availability of existing authority for transactions of this type and the substantial American presence in international markets for military equipment.

I think it is very important that we remember that Congress already has the tools to make grants and loans for the purchase of military weapons when it is in our national interest to do so.

I rise as a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations which funds the FMF. It is called the Foreign Military Financing Program. We appropriated $3.15 billion in grants in fiscal years 1995 and 1996. Under the FMF program Congress can assume additional credit risks when it is in our national interest to do so.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, I oppose the Berman amendment and support the language in the bipartisan committee bill.

Let me just make several points quickly. The gentleman from California [Mr. BERMAN] is fighting a different fight. This is not the Export Administration Act reauthorization, and the bill does not change the existing export rules. Anything exported pursuant to this loan guarantee proposal must comply with the existing protections under the Arms Export Control Act and all the rest of our export controls.

It does not cost money. It has no CBO score because the fund that is generated is paid into by the purchasers and by the exporting companies, and it is based on the creditworthiness of the purchaser. Its pluses were stated by the gentleman from South Carolina [Mr. SPENCE]; its minuses do not exist.

I urge support of the committee text and defeat of the Berman amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. PELOSI] to complete her statement.

Ms. PELOSI. Mr. Chairman, I thank the distinguished ranking member of the committee for yielding time to me.

As I was saying before my time expired, Mr. Chairman, under the FMF program Congress can assume additional credit risk when it is in our national interest to make the loan.

For fiscal year 1995, Congress appropriated $47.9 million to underwrite 619 million dollars' worth of loans for Turkey and Greece. This new loan program skirts the congressional oversight inherent in the FMF program, and that is one additional reason why I support the Berman amendment.

For good reason, Congress has not permitted the Export-Import Bank to finance arms exports except for certain counternarcotics purposes or in specific situations for nonlethal military loans and services, if the primary end use is for nonmilitary activities.

I repeat, Mr. Chairman, the administration opposes the loan program and believes that it is unnecessary, given the availability of existing authority for transactions of this type and the substantial American presence in international markets for military equipment.

I thank the gentleman from California [Mr. BERMAN] for this very, very important amendment. We know that the administration supports his position. The President already has the authority to make loan guarantees. This new program simply moves more jurisdiction for making such guarantees away from the Committee on Foreign Affairs and recreates a program that has remained unused for the last 10 years because it has been proven to be too costly.

For these and other reasons, Mr. Chairman, I believe that the amendment of the gentleman from California [Mr. BERMAN] is the appropriate course of action for us to take. I believe that it will make the world a safer place, and I thank him very much for making the motion and the ranking member of the committee for yielding time to me. I urge an ''aye'' vote for the Berman amendment.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I just want to make a couple of points in response to my friend, the gentlewoman from California [Ms. HARMAN], who has led the effort for the program. Rarely do we disagree. But the notion that it has no cost, CBO says, because some of the countries eligible for guarantees under the program are high-credit risks, the subsidy costs could be significant.

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We are in the process of practically dismantling all of our public-private partnerships on defense conversion, on technology transfers, on providing commercial outlets for our defense industry. As we do that, do we really want to provide again the full faith and credit of the United States and its taxpayers behind the question of whether or not a China or a Turkey or some other country will repay its obligations?

We have a history; we have billions of dollars of outstanding loans that have not been repaid at this point. I would suggest this is not a wise move.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of the time.

In that time I would make simply three points. First, I rise in support of the amendment offered by the gentleman from California [Mr. BERMAN] because, first of all, I believe that this is a new subsidy program for arms sales. That is No. 1.

No. 2, it has been stated before, and I simply underscore for emphasis, that the U.S. weapons manufacturers already have an unprecedented dominance in the international arms market. Everyone knows that. It would seem to me that this program is not necessary, because they already have a dominant role to play.

Finally, and this is just what brought this gentleman to this Congress and what I think the post-cold war should be all about, and that is that we should not be making it easier to make weapons sales. We have an enormous opportunity here, Mr. Chairman, to slow down the proliferation of conventional weapons, and we should take that opportunity.

How many times on this floor have some of us seen our young people find themselves dodging bullets from weapons that we sold?

In the context of the post-cold-war world, where it seems to me our challenge is to bring greater stability and less danger to the world, because we are paranoid about where we sell all of these weapons, because we are downsizing the military, it seems to me that the inappropriate course is to set up a subsidy for arms sales that engage in proliferation of conventional weapons in the world when we should be going in just the reverse direction.

So for those three arguments, I would ask my colleagues to support Berman. It is a subsidy program. Our manufacturers do not need this additional advantage. They already have an unprecedented dominance in the world of arms sales.

And, finally, it seems to me as a matter of principle we ought to be about slowing down the proliferation of conventional arms weaponry in the world, not speeding it up.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, it is difficult for me to rise in opposition

to the gentleman from California [Mr. BERMAN] and his amendment, but I think he mischaracterizes what the legislation actually does.

It does not increase proliferation. What it does is make sure that when a country is deemed worthy and acceptable to have a sale made to it and there is competition between a product made by American workers and French or other foreign nationals, that the American workers and the company that employs them has a fair shot in the battle.

If every other country on the face of this Earth pulled their financial support for export sales, either commercial or defense, I would be with the gentleman from California [Mr. BERMAN].

But the reality is every time we come up against the French and many others, the subsidies they provide are far greater than any subsidy we provide here in this country. The decision we have to make on proliferation is a decision that gets made in the normal course. This amendment does not change it.

The President has to send the sale to Congress. Congress has to act on the sale. Only if those two conditions are met do we then, if necessary, have this additional support for a sale.

And there is a last reason why we need this provision. If we believe in downsizing because the threat is reduced, then we have to find some way to maintain the capabilities that a great power like the United States has at this moment. We can do it one of two ways, one of probably two or three ways: We can find commercial application. That is not always available, but sometimes that helps maintain the technology base. We obviously buy some for our own needs, and in some instances we actually have to provide funds simply to keep that readiness available.

One of the things that can bring the costs down to the taxpayers of this country is where countries are deemed worthy of the sale, that the United States can then sell some of those systems to other countries and thereby reduce the need for our subsidy to keep technologies and skills alive.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman for yielding.

The gentleman talks about French programs and other countries' programs. The United States has well over half the world market. It should only be that in any other area we have this percentage of the world market.

Mr. GEJDENSON. Reclaiming my time, that is the mistake we made with the Japanese. We sat back and said, ''We are dominant in all of these fields.'' We sat and watched them pick area and area apart until we have a massive trade deficit with them.

I am not for proliferation. I am not for increasing arms sales. This provision does not increase arms sales. It provides the financing that may be necessary to keep American products competitive.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I have been waiting for over 10 years to hear SAM GEJDENSON make some sense on this floor, and he just did.

You know, let me say right at the outset that the world is a better place because America is in it.

We need to remind ourselves of that because the rest of the world already believes that.

We also need to remind ourselves that America is the only remaining superpower, because the rest of the world already believes that too.

As much as some people seem to want for our country simply to be some kind of enlarged Switzerland or Sweden, this world is no Garden of Eden. Let us grow up. America sells arms abroad because America has vital interests. We have treaty obligations. We have other commitments for over 50 nations.

All this export loan guarantee program would do is permit U.S. Industry to compete in a limited number of sales to allied countries which have already made a determination to buy. That is all this does. There is nothing in this section of the bill that bypasses or repeals the Arms Export Control Act.

Vote against this amendment.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Chairman, I rise in opposition to the Berman amendment.

The defense export loan guarantee program is good public policy for several reasons. No. 1, it does not require an appropriation of public funds.

Second, it does not affect our national nonproliferation policy at all.

What it does is provide American firms with a modest competitive tool to use against foreign defense exporting companies. Defense exports are a major source of employment and a key to sustaining our industrial base. Yet we are losing about 20,000 jobs every month in the defense industry now.

Participating in the defense global market is a key way to stabilize employment and protect our national technology and manufacturing resources.

I think more than anything, though, this program provides a way to keep our production lines warm and preserve our ability to protect ourselves in the future.

What we are talking about in much of this bill is the expense of letting a production line go cold and then having to come in with a large investment to get it going again. It will ultimately, I believe, save the taxpayers dollars if we can draw on some of these foreign countries to keep our production lines warn and, therefore, the taxpayers will have lower unit costs, and it will save us money in the long run.

I think this defense loan guarantee program is a good economic policy. It is a good trade policy. It is a good military policy . And it is a good foreign policy.

The Berman amendment should be rejected.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

(Mrs. KENNELLY asked and was given permission to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Chairman, I rise in opposition to the Berman amendment. H.R. 1530 establishes the Defense Export Loan Guarantee program to improve export opportunities for U.S. defense companies without threat to this Nation's security, without financial risk to U.S. taxpayers, and without deviation from our Nation's export policy.

This program was specifically constructed to be self-financing in order to prevent any financial risk to American taxpayers. It simply creates more favorable rates of financing for export of U.S. defense items once they are approved for transfer.

Created with the support of DOD, this program would provide American firms with a competitive tool against foreign companies that already have access to loans, loan guarantees, and subsidies from their own governments.

The Defense Export Loan Guarantee Program will not lead to greater proliferation nor will it expand the list of approved transfers as my colleague suggests. Our defense companies can already bid on foreign contracts. Rather, this program promotes greater opportunity and leverage for our defense companies to compete in foreign markets.

I urge my colleagues to vote against the Berman amendment and support the defense Export Loan Guarantee Program established in H.R. 1530.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, you have heard from a bipartisan group in support of the committee language and against the Berman amendment.

There is not one arms proliferator among us. We are not for arms proliferation. We are only for an equal playing field for American firms to compete in the international marketplace.

I would point out that if exports increase for U.S. firms, the per-unit cost of their goods goes down and the cost, therefore, to the Defense Department goes down as well. So we are saving money for the U.S. taxpayer.

This bill has no score. The CBO scores it as zero because the fees paid

in are paid in either by the exporter or the purchaser, and they are calibrated based on the creditworthiness of the purchaser. The language of the bill makes that absolutely clear.

In conclusion, I would like to quote from the U.S. Department of Defense, which does support this bill. In testimony earlier this year, Josh Gotbaum, Assistant Secretary of Defense for Economic Security, said, ''U.S. defense sales are legitimate exports and should enjoy the same access to official export assistance as other U.S. exports. DOD supports the establishment of a defense export loan guarantee program.''

I urge opposition to the Berman amendment.

Mr. KIM. Mr. Chairman, I rise in opposition to the Berman amendment which would eliminate section 1224 of the pending bill.

Section 1224 would create a defense export loan guarantee program which, at no cost to the taxpayer, would provide American defense firms the ability to offer competitive financial packages for arms sales to certain specified countries that are friendly to the United States. Under this provision, the Secretary of Defense would be permitted to issue U.S. Government guarantees to a lender against losses of principal or interest, or both, arising out of the financing of the sale or long-term lease of defense articles, defense services, or design and construction services. These guarantees would be available only to certain exports to America's key allies, namely our NATO partners, major non-NATO allies like Japan and Australia, and countries that belong to the Association of Southeast Asian Nations [ASEAN] as of March 31, 1995. Those countries are limited to: Thailand, Indonesia, Singapore, Malaysia, Brunei, and the Philippines.

While American defense products are some of the best in the world, they nonetheless face credible competition from European and other international producers. For example, consider the high-performance jet fighter market. From the U.S. side, McDonnell Douglas produces the F–15 Eagle and the F/A–18 Hornet. Lockheed manufactures the F–16 Fighting Falcon. Billions of dollars in revenue and tens of thousands of American jobs have resulted from the export of these aircraft. But, almost every final sale has been realized only after a hard-fought battle against the French Mirage, the British Tornado ADV, the European Tornado IDS, the Russian Sukhois and Migs, the Swedish Gripen, and the South African Cheetah—to cite just a sample of the competition.

However, an important part of any bid is the accompanying financial package. The new defense export loan guarantee provision in H.R. 1530 helps ensure that the American defense industry will remain able to offer competitive financing for its exports. This is particularly important in light of the unfair advantages European and other international competitors have because of the loan guarantees and direct financial subsidies they receive from their governments making their products economically more attractive.

This defense export loan guarantee will not result in any foreseeable costs to the American taxpayer. For each guarantee issued, the Secretary of Defense must charge a fee, known as an exposure fee. This fee shall be fixed in an amount sufficient to meet potential liabilities of the U.S. Government under the loan guarantee. And, the countries to which exports could be covered by this loan guarantee program are not financial risks. They are wealthy nations that can afford to pay back their loans. They are countries like Japan, Singapore, and Germany.

So why is this program needed? These loan guarantees are important because they reduce the risk of the lender, therefore allowing the lender to offer better financial terms making American products more affordable. Lower interest rates or easier repayment schedules do help make the difference in whether or not the American product is chosen. While countries like Japan may be wealthy, they are like any other responsible consumer and are always looking for the best value. Without the defense export loan guarantee program, many American products may no longer be the best value.

I strongly oppose the Berman amendment because it would eliminate this proposed loan guarantee program. As a result, I believe American defense exports would diminish and American defense-industry jobs would be lost.

As we continue to downsize our own military and, therefore, procure fewer defense items, increasing defense industry exports are vital to sustaining tens of thousands of jobs in the United States—many of them in my State of California. Hence, it is in our best interests to help promote responsible arms sales to our allies who can afford them. That's exactly what this defense export loan guarantee program does. By eliminating this program, as the Berman amendment proposes to do, we are giving our European and other international competitors a significant advantage in arms sales at the expense of American workers.

I urge my colleagues to join me in opposing the flawed Berman amendment.

The CHAIRMAN pro tempore (Mr. MCINNIS). All time having expired, the question is on the amendment offered by the gentleman from California [Mr. BERMAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BERMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the rule, the Chair will postpone a demand for a recorded vote on any of the next two amendments until after the debate has been concluded on amendment No. 37. The gentleman will have an opportunity, but it has been temporarily delayed.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KOLBE: At the end of title X (page 377, after line 19), insert the following new section:

SEC. 1033. USE OF INMATE LABOR AT MILITARY INSTALLATIONS.

(a) USE OF INMATE LABOR AUTHORIZED.—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2610. State and local correctional institutions: use of inmate labor

''(a) USE OF INMATE LABOR.—The Secretary of a military department may enter into an agreement with a State or local government under which nonviolent offenders incarcerated in a correctional facility under the jurisdiction of that government may be made available to the Secretary to perform the services described in subsection (c) at a military installation under the jurisdiction of the Secretary.

''(b) EXPENSES.—(1) Except as provide in paragraph (2), in order to enter into an agreement pursuant to subsection (a), a State or local government shall agree to provide inmates to the Secretary of the military department concerned without charge to the Federal Government. The Secretary shall not provide compensation to an inmate who performs services pursuant to the agreement.

''(2) The Secretary may agree to reimburse the State or local government for administrative and other costs incurred by the government as a direct result of providing and overseeing inmate labor at a military installation. The Secretary may pay a nominal fee to support alcohol and drug abuse treatment programs for the inmates who perform services under the agreement. The Secretary may also furnish equipment, supplies, and other materials to be used by the inmates in performing services under the agreement and provide meals to the inmates while they are present at the installation.

''(c) AUTHORIZED SERVICES.—Subject to subsection (d), inmates provided to a military installation pursuant to an agreement under subsection (a) may be used to perform the following services:

''(1) Construction, maintenance, or repair of roads at the installation.

''(2) Clearing, maintaining, or reforesting of public lands.

''(3) Construction of levees or other flood prevention structures.

''(4) Custodial services.

''(5) Construction, maintenance, or repair of any other public ways or works.

''(d) CONDITIONS ON ACCEPTANCE OF SERVICES.—The Secretary of the military department concerned shall ensure that the use of inmate labor at a military installation under this section does not—

''(1) displace Government employees or defense contractor employees at the installation;

''(2) impair a contract for the provision of services at the installation; or

''(3) involve the performance of services in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality of the installation.

''(e) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the services provided by inmates made available to a military installation pursuant to an agreement entered into under subsection (a).

''(f) APPLICATION OF OTHER LAWS.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), section 1 of the Act of March 3, 1931 (Chapter 411; 40 U.S.C. 276a; commonly known as the Davis-Bacon Act), section 1 of the Act of June 30, 1936 (Chapter 881; 41 U.S.C. 35; commonly known as the Walsh-Healey Act), and section 2 of the Service Contract Act of 1965 (41 U.S.C. 351) shall not apply with respect to the use of inmate labor at a military installation pursuant to an agreement entered into under subsection (a).''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2610. State and local correctional institutions: use of inmate labor.''.

(b) EFFECTIVE DATE.—Section 2610 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1995.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. KOLBE] and a Member opposed will each be recognized for a period of 5 minutes.

The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I have spoken extensively with the commanding officers of the several major military installations in my congressional district, I know that operations and maintenance dollars are tight and that many necessary repairs and facility improvements are difficult to make. I applaud the authorizing committee for recognizing this and providing a substantial increase in O&M funding.

But more can be done. My amendment would allow DOD to utilize the State/local prison labor pool to do routine maintenance. Currently, there is no Federal statute permitting use of civilian inmate labor from State/local correctional facilities by agencies of the Federal Government. DOD civilian inmate labor utilization is limited to the Federal Bureau of Prisons under title 18 U.S.C. section 4125.

My amendment protects law-abiding citizens from the threat of job loss resulting from prison labor. My amendment would deny the use of inmate labor if it displaces Government employees or defense contractor employees at the installation, impairs a contract for services at the installation, or involves services in skills, crafts, or trades in which there is a surplus of labor available locally.

The use of prison labor provides opportunities to preserve facilities and prevent deterioration where current funding is inadequate or wholly unavailable. These photographs demonstrate the effects of inadequate O&M dollars at Ft. Huachuca, one of the installations in my district. This lack of maintenance has a detrimental effect on the entire installation and the people that must live and work in these conditions.

This program has a second primary benefit—it serves as a tool for correctional facilities to rehabilitate and train its prisoners at no cost—and in fact, at great savings—to the taxpayer.

I urge my colleagues to support my amendment.

□ 1800

Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Arizona [Mr. KOLBE].

Mr. Chairman, I am compelled to rise against the Kolbe amendment authorizing the use of civilian inmate prison or convict labor at our military installations. This amendment has arrived on the floor of this body without the benefit of deliberation in the committee process or the blessing of the Department of Defense. There must be some specific reason for the absence of an official request from the Department on this program.

Last year this same provision was considered in conference, and it was rejected. The primary reason for that rejection was the potential conflict with the ongoing contracts with Government workers. Nothing has happened since then to change that concern. This amendment would leave the implementation arrangements up to the State and local governments to determine the final details of the arrangement in some form of a memorandum of understanding with the installation. That includes who will participate, the nature of the task to be performed, and the conditions under which the tasks would be performed.

Additionally, Mr. Chairman, the amendment purports not to involve services in skills for which there is a local surplus of available labor. It is inconceivable that unskilled or low skilled workers would not be found in the immediate area to perform these tasks. That, Mr. Chairman, is the reason the Department of Labor has continued to express concern over this program.

It seems to me that while the objectives of this program might be laudable, there remains too much ambiguity with its implementation. We do not know enough about the program at this time to make an informed decision, and for that reason I ask that we allow the Department to assess the utility of this program prior to giving its approval.

Let me just add this notion that prison labor is somehow a good break for the taxpayers is hogwash. In my State of Rhode Island, in the northwestern woolen mills up in Woonsocket, it is the prison labor authority that is stealing the jobs out of my workers in Woonsocket. Now this can be said for, I am sure, the military installation in my district in Newport, as well as it can be said for the woolen mills that manufacture those emergency blankets by which our service men and women keep themselves warm or by which our American Red Cross use in the humanitarian relief efforts. These are now being underbid, and they are not underbid because they are subsidized. Remember we pay the prison authority to incarcerate these people, so when they are doing the work and undercutting our labor market, it is not a good break for the taxpayers. In fact, if the taxpayers were to find out that what we were really doing was subsidizing convicted criminals, people who have transgressed the law, and subsidizing them to take good jobs away from American workers, why there is nothing more that could be said about the Chinese and their slave labor problems over there. We will be no better than them if we go down the direction that this amendment is asking us to go down.

Mr. Chairman, I have seen it before in my State. I do not want to see it repeat itself anywhere else in my district because it does not make sense for the hard-working families of my district, and I might add the State of Rhode Island can make these contracts with the local installations, and you know what? They will underbid because they will be using this prison labor, and I do not think that is fair to the working class people who depend on an income and the civilian work that goes on in these bases, and for that reason I ask my colleagues to defeat the Kolbe amendment.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. PETE GEREN].

(Mr. PETE GEREN of Texas asked and was given permission to revise and extend his remarks.)

Mr. PETE GEREN of Texas. Mr. Chairman, I want to take issue with my colleague, the gentleman from Rhode Island [Mr. KENNEDY], on his claim that this is an issue that has not been adequately studied, adequately reviewed. In fact, all we are talking about doing is taking the program that has worked very well with Federal prison inmates and expanding it to the State prison system. It has worked well. I have seen it at military bases around this country. They are able to stretch O&M dollars, make the most out of very limited budgets, and we, we are shrinking our defense budget, we are asking our military to do more with less. This will help us do that.

And it is a two-fer, Mr. Chairman. My constituents do not want to see prisoners sitting in air-conditioned rooms watching television all day. This puts them to work. That is good for the system, that is good for the prisoners. It helps them rehabilitate them.

So, we have a double win here. We got a win for the military. They get some of these tasks done that could not be done through the labor pool, and it forces prisoners to go to work and earn their keep.

I urge support of the Kolbe amendment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I reluctantly rise against the gentleman's amendment. One of us has served on military bases, and we have men, women, and children on those bases, and the last thing that I would like is for guards looking over. As my colleagues know, if there is an attempt to escape, there is going to be a shooting, and, when we have people at our commissaries, in our exchanges, plus a lot of these bases are very highly restricted in the areas as far as security, and I would hate to see that, and I reluctantly rise on the amendment and ask my colleagues to defeat it.

Mr. KOLBE. Mr. Chairman, I yield myself 1 minute.

First of all, Mr. Chairman, let me respond to a couple things that were said by the gentleman, and I hope the gentleman from California will stay

around here for a moment because the gentleman from Rhode Island said, that first of all he said it is inconceivable we cannot find local labor. That is not the issue. They are out of O&M money. It is not that labor is not available. There is not a dime, not a dollar, to do this kind of work. Apparently it is less important that we be able to fix the hot water heaters, fix the roofs, than it is to try and find money when we do not even have the money.

The second thing that the gentleman said, and I would like to; he talked about the problem of taking jobs away from his people in Woonsocket. If the State of Rhode Island does not want to do this, do not do it. Do not enter into a contract with the military installation, but in 7 years, and this is directed to the gentleman from California, 7 years of military installations doing this with the Federal Bureau of Prisons there has not been one complaint about losing a job and not one complaint about problems.

My particulate installation, nearby we have a very large DUI, a drug—not drug, but alcohol, for those who went in there. Those are in there for alcohol offenses, and I would say that they have not had—they can use those people. These are not violent offenders. We are not talking about taking criminals. In fact the legislation, they do not now take anybody that is a principal organized crime figure who is anybody of significant public interest who has committed a sex offense, who is an escape risk, who poses a threat to the general public, who is convicted of arson, who is convicted of any violent crime. We are talking about nonviolent criminals to do work that keeps the quality of life for the service men and women that we have living on these facilities, to fix the roof, fix the hot water heaters, do the general work on the streets They are there and out. They have Federal prisoners doing this work at installations all over the country.

Now why should they not be allowed to contract for State facilities at places where they do not have the Federal prisons nearby? That is all we are asking to do, is to try and do that.

Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I just want to echo the eloquent comments of my colleague, the gentleman from California [Mr. CUNNINGHAM], who pointed out a very important concern, and that is the security of our military base, allowing convicted prison labor on those bases where there may be some very sensitive things going on on those bases, and we are allowing those prisoners to be on the base.

Second, in terms of the money we plussed up by a figure of nearly $10 billion the operation and maintenance account in this year's authorization on the committee that I serve on so there will be money.

Last, again we do not want prison labor taking away jobs from our local people in our districts, and for that reason I ask the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Again, pursuant to the rule, further proceedings on the amendment offered by the gentleman from Arizona [Mr. KOLBE] will be postponed.

It is now in order to consider amendment No. 37 printed in part 2 of the report.

AMENDMENT OFFERED BY MS. MOLINARI

Ms. MOLINARI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MOLINARI: At the end of subtitle B of title XXVIII (page 470, after line 21), insert the following new section:

SEC. 2814. REMOVAL OF BASE CLOSURE PROPERTIES FROM APPLICATION OF SECTION 501 OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.

(a) CLOSURES UNDER 1988 ACT.—(1) Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out paragraph (6) and inserting in lieu thereof the following new paragraph:

''(6) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) shall not apply with respect to the transfer or disposal of real property located at military installations closed or realigned under this title.''.

(b) CLOSURES UNDER 1990 ACT.—(1) Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out paragraphs (6) and (7) and inserting in lieu thereof the following new paragraph:

''(7) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) shall not apply with respect to the transfer or disposal of real property located at military installations closed or realigned under this part.''.

The CHAIRMAN. Under the rule, the gentlewoman from New York [Ms. MOLINARI] will be recognized for 5 minutes, and the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I would like to begin by thanking the gentleman from New York [Mr. SOLOMON] for making my amendment in order and thanking the committee chair for allowing me to offer it this evening.

My colleagues, this amendment seeks to speed up the base reuse process by eliminating the Federal requirement that homeless providers must be accommodated with regard to closing military bases. Ever since the 1988 round of base closures, there has been a general consensus that the reuse process has taken too long. One of the reasons for this, particularly, for bases closed in 1991 and 1993, is the need to comply with the McKinney Homeless Act.

Last year, Congress passed an act which technically exempts closing bases from compliance with the McKinney Act. However, communities with bases being closed would still have to accommodate requests of homeless groups of property on bases. Ultimately, the reuse planning process can still be delayed for many, many months, perhaps many years, by the steps still required to accommodate homeless requests.

Listen: I strongly believe that when a base is closed, local communities have a tough enough challenge in planning economic redevelopment without having to respond to Federal mandates about accommodating the homeless. Therefore, this amendment would exempt closing military bases from the McKinney Act, fully and completely, once and for all. This would remove all of the uncertainty about homeless concerns and allow local communities to get on with their own reuse planning. According to alleged counsel this amendment would not affect bases where the property has already been transferred.

Let me also add that there is nothing in this amendment would prevent homeless providers from requesting facilities on closing military bases. But under my amendment, there would be no Federal requirement that such requests be accommodated. Where the needs of the homeless represent a legitimate local concern, local base redevelopment authorities would be able to respond to such needs in whatever manner they see fit.

Mr. Chairman, the Molinari-Bilbray amendment would simply stop the Federal Government from telling local authorities that they must respond at a certain point in the criteria to the concerns of homeless groups.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Illinois [Mrs. COLLINS].

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, I rise to oppose the amendment because it would remove assistance to the homeless as a proper public purpose for which base-closure lands may be provided

Let me say right now that homeless assistance providers do not, repeat do not, have a priority to obtain base closure lands. Last year Congress, by voice votes in both Houses, approved

the Base Closure Redevelopment and Homeless Assistance Act of 1994.

The act established a new collaborative process among government, community, the local redevelopment authority, and local homeless representatives in the redevelopment planning. It made these parties partners in the process leading to a redevelopment plan.

The new process they worked out is both fair and flexible. It remains in line with the basic goal in title V of the Stewart B. McKinney Homeless Assistance Act; namely, to make assistance to the homeless one of the several public purposes for which surplus land is available for no-cost transfer.

To approve the pending amendment would be to disavow the principle of title V of the McKinney Act. The thought is particularly painful to me. Title V and the related land disposal provisions of the base closure statutes were matters within the jurisdiction of the Committee on Government Operations when I served as a subcommittee chair and later as vice chair of the full committee.

Today, dozens of communities are already benefiting or will soon benefit from the new procedures, bringing housing, food, job training, and job search assistance to thousands of homeless men, women, and children.

Only recently in my own district, the city of Chicago and the Chicago Coalition for the Homeless, working with some surplus land at the Navy Pier, showed us a splendid example of how the Federal Government, the community, and the homeless advocates can successfully work together.

In fact, the November 20, 1994, Chicago Tribune article that I'm including with my remarks reported that the ''Navy Pier' agreement * * * could serve as a model for resolving similar disputes elsewhere. * * *''.

Like a speeding train braked to a sudden stop, this amendment would throw past, present, and prospective activities into chaos and consternation. Base-closure land disposal arrangements made under present and prior law would stagnate in uncertainty and lead to a whole array of litigation.

To make a sudden and profound change like this without full hearings by the appropriate jurisdictional committees would be reckless and reprehensible procedure.

I urge my colleagues to reject this ill-considered and dangerous amendment.

[From the Chicago Tribune, November 20, 1994]

NAVY PIER LAND SWAP WORTH COPYING

There have been so many ugly confrontations between city authorities and the homeless that it is cause for celebration when the two sides strike a mutually beneficial deal.

Indeed, the proposed ''Navy Pier'' agreement between the Daley administration and the Chicago Coalition for the Homeless could serve as a model for resolving similar disputes elsewhere, beginning with Lake County.

But first the particulars of the Chicago deal:

The seeds were planted four years ago when a small parcel of land west of Navy Pier—land once used by the U.S. Coast Guard—popped up on a list of surplus federal land eligible for purchase by homeless groups. The Chicago Coalition fired off an application to the U.S. Department of Housing and Urban Development, which approved the sale, putting the city over the proverbial barrel.

The city needs the land as part of a planned Gateway Park across from the entrance to the redeveloping pier. Planners also argued, justifiably, that the doorstep of a major tourist attraction, especially one isolated east of Lake Shore Drive, is no place for the homeless.

But the Coalition persisted, forcing City Hall to offer a swap in which the city gets the pier land in return for helping the homeless coalition start a highly innovative employment project. The city proposes to give the coalition $50,000 and enough vacant land on the Near West Side to accommodate several greenhouses for the production of flowers, herbs and vegetables.

Homeless job trainees from West Side shelters will tend the crop. Their produce would be sold to wholesalers at the nearby South Water Market, at city-sponsored farmers' markets, and at a permanent stall on Navy Pier. Coalition trainees also will get first crack at temporary labor on Navy Pier and at McCormick Place, where they will help set up and tear down trade shows.

Why is Lake County ripe for such an arrangement?

Because homeless groups there have staked similar claims on portions of old Fort Sheridan, greatly complicating the plans of three Lake County suburbs to convert the surplus army base into a mixed-use residential community.

The suburbs' plan ought to include some housing for low-income families. But as a site for homeless shelters, Fort Sheridan, which is a long drive from Lake County employment centers, isn't much better than Navy Pier.

The suburban Fort Sheridan Joint Planning Commission needs to sit down with the three homeless groups that have made bids and work out something similar to the Navy Pier settlement. Recently passed amendments to the McKinney Act, the law that gives the homeless a claim on surplus federal land, should abet the process.

So will the spirit of compromise, rather than confrontation, that greased the innovative Chicago deal.

□ 1815

Ms. MOLINARI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, we are talking about removing a process that may be well intentioned, but let me tell you as somebody who had to work at the local level at trying to make the process work and seeing the difficulties that happened in the last year, it was a good intention that is just not penciled out.

I think we need to remind all of us here that these facilities, these bases, were not just purchased by a willing seller. The great majority of the military installations in this country were taken under war powers acts and under emergency powers. So the concept of how they were taken and where they belong in the long run is something we can talk about at length. But let me tell you, as somebody who has tried to work with the homeless issue, that this act has not worked to the level that it could work if we were tapping into the greatest resource we have of providing homeless resources in our country, and that is the local government and local cooperation. This process, Mr. Chairman, is counterproductive to its stated intent.

I would like to point out that I will be introducing as one item, possibly in Corrections Day, as something that can really help the homeless programs. I have St. Vincent de Paul Housing Center in San Diego County paying over $30,000 a year in interest payments that are really inappropriate. I would hope my colleague would work with me on this. This act does not do what we want to do with the homeless programs.

I would like to point out also the way this thing is being interpreted right now, the California Coastal Commission is being preempted by HUD Federal mandate. I do not think anybody means to repreempt the California Coastal Act with this act. These are the kind of details we could avoid if we would go into a cooperative mode with the local authorities, and give them the right to implement these programs appropriately.

I would say to my chairman, HUD is not the best agency to make the determination of how best to provide homeless services in San Diego County or in New York or in Florida or in Washington. I think that local communities have proven over the last half a decade that when they are allowed to do the right thing, they not only do the right thing, but they do the best thing.

Mr. DELLUMS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, with great reluctance I oppose the amendment offered by the gentlewoman from New York [Ms. MOLINARI]. I urge my colleagues to vote ''no.''

Mr. Chairman, I rise in opposition to the amendment. This amendment would throw into turmoil collaborative planning processes for base reuse throughout the country.

Last year the Congress modified existing the application of the McKinney Act to base closures to ensure balance in the planning process. Last year's amendment gave local reuse authorities substantially more authority over base property than before, and ensured that homeless providers were partners, rather than organizations receiving priority over local reuse authorities.

This amendment would undermine the collaborative process in San Francisco, where homeless providers have worked with the citizens' reuse committee on all planning issues with respect to Treasure Island.

This amendment would eliminate the ability of San Francisco to effectively incorporate

homeless services into its reuse plan by terminating the no-cost McKinney conveyance powers. Now, for San Francisco to consider inclusion of homeless services in its reuse plan, it would be forced to pay market value for any buildings contemplated for homeless reuse.

I know that if the author of this amendment truly respected the needs and desires of local communities with respect to reuse, therefore they should either extend the application of the amended McKinney provisions to all bases not yet closed; or, they could give local reuse authorities approval power over all McKinney applications.

Mr. Chairman, this amendment, in its current form, goes too far, and I urge all Members to vote against the amendment.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I thank the gentleman, the ranking member, for yielding and stand in strong opposition to this amendment.

Mr. Chairman, it is not broken. It does not need fixing. You have excess Federal housing which is allowed under present law to be given to community nonprofits with independent funding and without requiring the Federal Government to make appropriations.

We have in the largest base closing in the United States 26 community foundations, organizations, that are providing for the homeless at Fort Ord. This is a very successful program. If you take this away, you are going to require those agencies to go to the Federal Government to have housing for the homeless. Homelessness is a problem which our society has to deal with.

Why take away the very one element of Federal law when you have excess land that allows them to get in and have that excess land where there is local approval? It is working at Fort Ord, Philadelphia, New York, Maine, Washington, and throughout a number of States in the United States.

Ms. MOLINARI. Mr. Chairman, I yield the balance of my time, 1 minute, to the gentleman from Guam [Mr. UNDERWOOD].

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Chairman, I rise in strong support of the Molinari-Bilbray amendment. As a Member that usually is supportive and sympathetic to the efforts to address the homeless problem, I nonetheless do not support applying the McKinney Act to bases which are closing, and our experience in Guam demonstrates why an across-the-board application makes absolutely no sense.

In Guam's case, after the naval air station was closed under BRAC, an Oklahoma-based nonprofit organization wanted to come some 10,000 miles to Guam, acquire our bases, and import their homeless to our island. This decision not only makes no sense, it helped curtail the authority and complicated the plans of the local reuse committee.

This amendment helps restore the authority to localities who are in the best position to determine how to grow economically. When a base closes, a reuse committee needs to decide what is the best way to revitalize the local community. Facing an increase of unemployment is the last thing a community needs. There is a wave of homelessness. Local communities need these facilities to revitalize their job base and economies. Please support this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today to oppose this amendment. In my opinion, this amendment would be a setback for several existing projects and future plans to address one of America's biggest failures, of course, which I think is homelessness.

The amendment's proponents mistakenly take the position that the current law gives homeless advocates top priority in obtaining base closure property, and this is not true. The act that we passed last year completely addresses the pecking order problem feared by the authors. BRAC-CA passed a reasonable compromise this past fall, gives local communities control in prioritizing use for base closure property. It requires that the local redevelopment authority for each installation only consider homeless uses in developing base closure plans.

Mr. Chairman, homelessness is a national disgrace, and it is possibly the single most embarrassing condition in America today. We should not make it harder to solve homelessness. Even the Pentagon opposes this amendment because they are proud of the role they have recently played in solving the national disgrace of homelessness.

In fact, over 7,000 homeless people have been assisted since the new law was passed last year in Monterey and Philadelphia and Plattsburg and Seattle, just a few of the communities that have stepped up to the problem of homelessness and have worked as partners with the Pentagon. So, Mr. Chairman, I would hope that the Members would be against this amendment. It threatens to disrupt this and other plans that have worked very well, I think, for the homeless.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. MCDERMOTT].

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition to this amendment.

Mr. Speaker, I want to thank Chairman DELLUMS for this opportunity to speak against this amendment which I strongly oppose.

Current law, which this amendment proposes to change, allows the Federal Government to transfer portions of former military bases to local communities, at no cost, who wish to provide housing and job training for the homeless.

Many local communities across the country, including my hometown of Seattle, WA, have successfully integrated homeless assistance plans into base reuse proposals in ways that will benefit the entire community.

The Sand Point Community Liaison Committee has worked extensively with the city of Seattle, the Seattle-King County Coalition for the homeless and many other groups to successfully address the problem of homelessness.

It seems odd that the Republican authors of this amendment would want to take away base closure property from local communities who have demonstrated willingness to use the property to assist the homeless.

Republicans are always declaring that they want to increase local flexibility but the Molinari-Bilbray amendment will only decrease the flexibility of local communities wishing to solve local problems.

If this amendment passes, an important option will be eliminated and local communities will be left with the problem of homelessness and in turn will need to rely on Federal and State appropriated money to address the problem.

By prohibiting local communities from finding innovative techniques, such as using closed military facilities, to address the serious problem of homelessness, this amendment will further increase the costs to local governments. Another unfunded mandate from the Republicans.

But the Republicans will continue to say, "no, this is not an unfunded mandate. We are not mandating that you assist the homeless in any way in your local community." Of course you're not, but these communities are the ones that are dealing with the homeless in their backyards and in their alleys and streets.

Let's not inhibit local communities from doing their job. We should not cut the options for communities who want to deal with their homeless population to do so in a safe, agreeable, and fiscally responsible fashion.

I urge my colleagues to vote against this irresponsible amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with some difficulty I have tried to focus on the debate, and I would like to address my remarks to the two principals of this amendment. There are at least three assertions that were made here that I would like to challenge.

With respect to your assertion, Mr. BILBRAY, I would assert to you, and this is acquiesced in by the Department of Defense interpretation of your amendment, that you do indeed eliminate the ability of local communities and nonprofit groups to use a base closure property to assist the homeless. So it is quite the reverse. You take away the local decisionmaking capability.

No. 2, Mr. Chairman, I do not know if anybody read the fact that last year the Congress modified the McKinney Act, or if they read it, they certainly misinterpreted it. Last year the Congress modified the McKinney Act to give communities greater say as to how assistance would be given to the homeless and to what extent.

Mr. Chairman, communities have found that the new process can be both

balanced and workable. This gentleman knows because we are dealing with it on the ground. This is not theoretical. Current legislation requires that the local reuse authority for each installation only consider, only consider, homeless assistance as one of its uses. It is not mandatory for the installation to be used in that manner.

Mr. Chairman, I would assert that as I listened carefully to my two colleagues, they either do not know that the McKinney Act was modified, or certainly grossly misinterpreted it. It has now been radically changed. So if you are going to debate the issue, let us debate the issue in the present time frame, not in yesterday's time frame, not in yesterday's provisions.

Third, the revised McKinney Act and the Base Closure Committee Redevelopment and Homeless Assistance Act of 1994 allows nonprofits with independent funding to use portions of former military bases to provide housing and job training to the homeless.

The next point: The elimination of the legislation would eliminate local control, just what the gentleman from California said he did not want to eliminate. Passage of the amendment would prohibit transfer of property even when the local communities decide to provide services to the homeless.

What could be more bizarre than that? The local communities and nonprofits are now seeking to use the legislation. This amendment puts programs in serious jeopardy. Its retroactive effects will destroy effective arrangements that are already in place. In some cities planning will come to a halt, awaiting a final decision on this amendment.

I would like to, to the gentlewoman from New York, make this assertion on her comment: The amendment will eliminate DOD's authority to implement locally devised programs by stripping DOD of the authority to transfer surplus military property. That is not just this gentleman's point of view.

You said that the legislative counsel suggested that was not the case. The Department of Defense's analysis of its prerogatives within the framework of this amendment arrived at the position that they believe that they are stripped of their capacity to transfer surplus military property. I know the gentlewoman and I do not think that is an intended consequence, but that is indeed an effect of the amendment.

This amendment neither serves local communities nor speeds up the base disposal process. I know that the gentlewoman is positively motivated. I think the gentlewoman believes that her amendment, given base closure problems in New York, would expedite the process. But I would think that the gentlewoman would live to rue the day that this amendment becomes reality, because I do not believe that it is going to speed up the process. I believe that it is going to be just the reverse. It is going to slow it down.

Last year we revise the McKinney act to deal with these kinds of problems. Communities are now warming up to this. They know that it is workable. Things are moving forward. I think that while perhaps well intended, I believe that at the end of the day, this is a mischievous, nonproductive amendment. I would hope that either my colleagues withdrew it based on reconsideration, or if it is laid out there, I hope that my colleagues will resoundingly defeat it. This is not time to make this mistake.

The CHAIRMAN pro tempore (Mr. MCINNIS). All time having expired, the question is on the amendment offered by the gentlewoman from New York [Ms. MOLINARI].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the rule, further proceedings on this amendment offered by the gentlewoman from New York [Ms. MOLINARI] will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN P.T.

The CHAIRMAN pro tempore. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed. They will be considered in the following order:

Amendment No. 30 offered by the gentleman from California [Mr. POMBO]; Amendment No. 3 offered by the gentleman from California [Mr. BERMAN]; Amendment No. 33 offered by the gentleman from Arizona [Mr. KOLBE]; and Amendment No. 37 offered by the gentlewoman from New York [Ms. MOLINARI].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series of votes.

AMENDMENT OFFERED BY MR. POMBO

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from California [Mr. POMBO] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 15-minute vote, to be followed by a series of 5-minute votes.

The vote was taken by electronic device, and there were—ayes 302, noes 125, not voting 7, as follows:

[Roll No. 376]

AYES—302

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp

Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—125

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Brown (CA)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Poshard
Rahall
Reed
Reynolds
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Thompson
Torres
Towns
Tucker
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden

NOT VOTING—7

Fields (TX)
Kleczka
LaFalce
Rangel
Thornton
Wilson
Yates

☐ 1848

Mr. BROWN of California and Mr. FOGLIETTA changed their vote from ''aye'' to ''no.''

Messrs. RICHARDSON, SMITH of Texas, KLINK, and MARTINI changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BERMAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. BERMAN], on which further proceedings were postponed, and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. BERMAN], for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 276, not voting 6, as follows:

[Roll No. 377]

AYES—152

Abercrombie
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Blute
Bonior
Boucher
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Chenoweth
Clay
Clayton
Clyburn
Coble
Coburn
Collins (IL)
Collins (MI)
Conyers
Deal
DeFazio
Dellums
Deutsch
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Engel
English
Eshoo
Evans
Farr
Fields (LA)
Filner
Foglietta
Franks (NJ)
Furse
Ganske
Gibbons
Gonzalez
Gutierrez
Hastings (FL)
Hinchey
Hoekstra
Holden
Horn
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kildee
Klug
Lantos
Latham
Leach
Lewis (GA)
Lincoln
LoBiondo
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Paxon
Payne (NJ)
Pelosi
Petri
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reynolds
Richardson
Rivers
Rohrabacher
Rose
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Sensenbrenner
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Whitfield
Williams
Woolsey
Wyden
Zimmer

NOES—276

Ackerman
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brown (CA)
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoke
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kelly
Kennedy (RI)
Kennelly
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lofgren
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Norwood
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Roth
Salmon
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—6

Fields (TX)
Kleczka
LaFalce
Thornton
Wilson
Yates

☐ 1900

Messrs. HOYER, ZELIFF, COSTELLO, FATTAH, NEAL of Massachusetts, and MEEHAN changed their votes from ''aye'' to ''no.''

Messrs. WHITFIELD, MINGE, MARKEY, NEY, KASICH, BLUTE, SHAYS, UPTON, KENNEDY of Massachusetts, and MOAKLEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above.

☐ 1900

AMENDMENT OFFERED BY MR. KOLBE

The CHAIRMAN. The pending business is the demand of the gentleman from Arizona [Mr. KOLBE] for a recorded vote on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 214, not voting 6, as follows:

[Roll No. 378]

AYES—214

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoke
Horn
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McHale
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Roberts
Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Zeliff
Zimmer

NOES—214

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hilliard
Hinchey
Hoekstra
Holden
Hostettler
Hoyer
Hunter
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Klink
Lantos
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Williams
Wise
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Fields (TX)
Kleczka
LaFalce
Thornton
Wilson
Yates

□ 1909

Messrs. WELLER, CHAPMAN, and TORRICELLI changed their vote from ''aye'' to ''no.''

Mr. CUNNINGHAM and Mr. NEUMANN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. MOLINARI

The CHAIRMAN. The pending business is the demand of the gentlewoman from New York [Ms. MOLINARI] for a recorded vote on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 293, noes 133, not voting 8, as follows:

[Roll No. 379]

AYES—293

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—133

Abercrombie	Gejdenson	Nadler
Ackerman	Gephardt	Oberstar
Barcia	Gibbons	Obey
Barrett (WI)	Gonzalez	Olver
Becerra	Green	Owens
Berman	Gutierrez	Pastor
Bilirakis	Hall (OH)	Payne (NJ)
Bonior	Hamilton	Pelosi
Borski	Harman	Rahall
Brown (CA)	Hastings (FL)	Rangel
Brown (FL)	Hilliard	Reed
Brown (OH)	Hinchey	Reynolds
Bryant (TX)	Hoyer	Rivers
Clay	Jackson-Lee	Roybal-Allard
Clayton	Jacobs	Rush
Clinger	Jefferson	Sabo
Clyburn	Johnson (SD)	Sanders
Coleman	Johnson, E. B.	Sawyer
Collins (IL)	Kanjorski	Schroeder
Collins (MI)	Kaptur	Scott
Conyers	Kennedy (MA)	Serrano
Coyne	Kennedy (RI)	Skaggs
Danner	Kennelly	Slaughter
Davis	Kildee	Stark
DeFazio	Lantos	Stokes
DeLauro	Levin	Studds
Dellums	Lewis (GA)	Stupak
Dicks	Lofgren	Thompson
Dingell	Lowey	Torres
Dixon	Luther	Torricelli
Doggett	Maloney	Towns
Durbin	Markey	Tucker
Engel	Martinez	Velázquez
Eshoo	McCarthy	Vento
Evans	McDermott	Visclosky
Farr	McHale	Ward
Fattah	McKinney	Waters
Fields (LA)	Meek	Watt (NC)
Filner	Menendez	Waxman
Flake	Mfume	Williams
Foglietta	Miller (CA)	Woolsey
Ford	Mineta	Wyden
Frank (MA)	Mink	Wynn
Franks (NJ)	Moakley	
Furse	Morella	

NOT VOTING—8

Fields (TX)	LaFalce	Wilson
Kasich	Ney	Yates
Kleczka	Thornton	

☐ 1917

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. DORNAN. Mr. Chairman, this bill marks a historic moment in our country's approach to maintaining national security. For the first time in four decades, a new majority in the House of Representatives is setting the priorities for spending by the Department of Defense. Because of the increasing pressures we face both here and abroad, this new approach to our Nation's security could not have come at a better or more appropriate time.

The world is becoming much more complex in terms of security requirements. Situations in Somalia, Bosnia, and Haiti have clearly demonstrated the dangers our military forces will face despite the apparent end of the cold war with the former Soviet Union. Meanwhile, increased budgetary pressures, including a commitment to balance the Federal budget by 2002, mean that the resources available to maintain an effective military capability will be very limited. Against this backdrop, the current administration has not only failed to clearly articulate a comprehensive foreign and national security policy for the future, but has under funded its own very questionable Bottom-Up Review by as much as $150 billion.

In response to these circumstances, the House National Security Committee has taken very bold and innovative measures designed to not only maintain but drastically improve our military capability for both now and the next century.

Highly motivated and qualified soldiers, sailors, airmen and Marines remain the foundation for an effective combat fighting force. In order to recruit, retain and reward such troops, the committee, led by my Personnel Subcommittee, took the following necessary steps. First, we placed a mandatory floor on military force structure in order to prevent the administration from further cutting personnel levels below those recommended in the Bottom-Up Review. We also authorized the Secretary of Defense funding for an additional 7,500 personnel that could be used directly to relieve pressure on certain portions of each military service being stressed by high operations tempo such as Air Force AWACS, Army military police, and Army Patriot missile units. In the area of compensation, we fully approved a military pay increase, the first requested by this administration in 3 years, and supported a range of other compensation initiatives over and above those requested including a 5.2 percent increase in the basic allowance for quarters [BAQ].

Another area that deserves and received more attention from the committee was training/readiness. Besides additional funds for property maintenance, base operations, ammunition, and other basic supplies, the Personnel Subcommittee increased the number of military technicians, a key to reserve component readiness, by 1,400 personnel above the level requested by the President. In order to pay for these combat readiness initiatives, the committee cut over $2 billion in non-defense spending from this bill. While many of these civil-military programs may have great merit, we decided that the priority should be on military programs that directly contribute to combat readiness. The defense budget must be for defense.

Finally, the committee made a firm commitment to new technology by funding vital modernization programs which will ensure our technical edge over any adversary for the foreseeable future. Chief among these modernization initiatives was additional funding for ballistic missile defense [BMD] including full funding in fiscal year 1996 for Navy lower and upper tier systems. By providing this additional funding, we will be able to build upon our previous investment in Aegis ships, radar and missiles and provide our allies, forward deployed forces, and even the U.S. with an effective missile defense by the turn of the century.

We also accelerated funding for armed reconnaissance helicopters for the Army, a requirement that was clearly demonstrated after the loss of an unarmed, underpowered, unstealthy OH–58 aircraft over North Korea earlier this year. The committee funded 20 additional OH–58D Kiowa Warrior aircraft to meet this requirement in the short term and fully endorsed the RAH–66 Comanche program to address this requirement in the long term.

The committee also made a clear commitment to address the lack of long range conventional bomber capability by authorizing funding for additional B–2 production and continued conventional enhancements to the B–1B aircraft. Such long range power projection systems will be vital to a future, credible U.S. military presence overseas.

This defense bill does not represent the total answer to our future national security requirements. It represents only the beginning. However, such a strong foundation is vital, especially without better guidance or vision from the present administration, if we are to ensure the national security of this great nation in the 21st century.

For those who might question why we need to continue to invest so much in defense, I would remind them, during this 50th anniversary of our victory in World War II, of the high price we pay in terms of human life when we are not properly prepared to quickly and decisively win at war. We must always remember that those who are most prepared to wage war are also those who are least likely to need to do so because of such preparedness. As one of our greatest battlefield commanders, Matt Ridgway, once commented: ''What red-blooded American could oppose so shining a concept as victory? It would be like standing up for sin against virtue.''

The House National Security Committee fiscal year 1996 defense authorization bill is a commitment to victory instead of defeat. Hopefully the Senate and appropriations committees will show the same commitment when considering this defense budget.

HIGHLIGHTS OF NATIONAL SECURITY COMMITTEE [NSC] DEFENSE BILL STATUS OF INITIATIVES BY CONGRESSMAN ROBERT K. DORNAN

1. Army Armed Reconnaissance Helicopters: After the loss of an unarmed, underpowered, unstealthy OH–58 helicopter over North Korea earlier this year, BOB DORNAN pressed for additional funding for replacement aircraft including the OH–58D and RAH–66.

OH–58D: NSC approved $125 million in additional funding for 20 aircraft—none requested by DoD despite existing Army requirement for more aircraft.

RAH–66: NSC fully supported program including authorizing $100 million in addition to administration's request. Committee also included report language drafted by Congressman DORNAN on the future of the program.

2. Navy Ballistic Missile Defense: Desert Storm clearly demonstrated that the ballistic missile threat is real and here today. Congressman DORNAN has been a long time supporter of a near term solution to this threat—Navy missile defense. By upgrading existing Navy ships, radar, and air defense missiles, the U.S., allies, and forward deployed U.S. forces can achieve an effective missile defense near the turn of the century. The NSC fully funded Congressman DORNAN's request for both Navy lower and upper tier systems.

Lower Tier: provides Navy ships and ports with Patriot-type point defense capability. Increased funding by $45 million.

Upper Tier: provides wide area coverage—such as protecting Japan against attack by North Korea. Increased funding by $170 million.

3. Air Force Conventional Bombers: Most experts agree that the current bomber force is inadequate for meeting the requirements of the administration's Bottom Up Review. Congressman DORNAN supports additional B–2 production and additional B–1B conventional enhancements in order to better meet this requirement.

B–1B: NSC fully supported budget request for conventional enhancements and added $21 million, as requested by Congressman DORNAN, for BVUD program which would give the aircraft a near term/off the shelf precision guided bomb capability.

B–2: NSC added $553 million in long lead funding for additional B–2 aircraft which will maintain the country's only existing bomber production line.

4. Battlefield Combat Identification System (BCIS): NSC fully funded the budget request for BCIS which is designed to help prevent friendly fire casualties by positively identifying targets on the battlefield. DORNAN, a long time supporter of the program, also drafted report language on BCIS which was adopted by the NSC.

5. Minuteman III (MM III) ICBM: The NSC fully supported a request by Congressmen DORNAN and HANSEN for $10 million in additional funding for MM III guidance upgrades. A recent DoD nuclear posture review fully supported maintaining the MM III as the land-based leg of the U.S. nuclear triad.

6. Armor/anti-armor upgrades: The NSC fully supported requests by Congressman DORNAN and other members for increased funding for two armor/anti-armor initiatives. The first request was for $39 million in additional funding for a lightweight anti-armor system known as Javelin.

This funding will significantly increase anti-armor assets available to rapid deployment units in the near future. The next request was for $14 million in additional funding for reactive armor protection for the Bradley fighting vehicle. Such protection is necessary against the proliferation of anti-tank weapons.

7. UH–60 Army Helicopter: The NSC fully approved the administration's request for $334 million for 60 UH–60 helicopters but rejected DoD plans to terminate the program after 1996. Congressman DORNAN supports additional UH–60 productions after 1996 in order to address Army requirements for additional MEDEVAC and light utility aircraft.

8. Navy Enlisted Storage Space: The NSC accepted report language drafted by Congressman DORNAN that would require a report from the Navy on the resources necessary to provide Navy enlisted personnel on board surface ships additional storage space when in port. DORNAN has learned on various visits with sailors on board these ships that they have no barracks space when in port and must therefore remain on board the ship. While building additional barracks space would be costly, Congressman DORNAN has won preliminary support for CNO Admiral Boorda for a plan to provide these sailors with additional storage space off the ship for recreational equipment and civilian clothing that could be used when in port. Such a measure would boost morale at minimal cost.

9. V–22: The NSC fully funded the DoD request for the V–22 Tiltrotor aircraft which would replace the Vietnam-era CH–46 helicopter as the Marine Corps' primary medium lift aircraft. Congressman DORNAN has been a long time supporter of the V–22 which would replace CH–46 aircraft at MCAS Tustin in the 46th district.

HIGHLIGHTS OF PERSONNEL SUBCOMMITTEE (NSC) MARKUP—1995 STATUS OF INITIATIVES BY CONGRESSMAN ROBERT K. DORNAN

1. POW/MIA Legislation: Congressman DORNAN adopted language similar to legislation introduced by Congressman GILMAN and Senator DOLE which is designed to standardize procedures for determining the whereabouts and status of American POWs/MIAs.

2. Abortion Restriction: Congressman DORNAN included language restoring Reagan-era policy which prohibits abortions at military facilities.

3. Discharge of HIV+ Personnel: Congressman DORNAN included language which mandates the immediate discharge of HIV+, permanently non-deployable military personnel.

4. End Payments to DoD Prisoners: Language was included that would require all military personnel convicted by court-martial to forfeit all pay and allowances during their period of confinement.

5. Award of AFEM to El Salvador Veterans: Language was included authorizing the Armed Forces Expeditionary Medal for U.S. military veterans who served in El Salvador.

6. End Strength Floors: Permanent military end strength floors were established by Congressman DORNAN which would prevent the DoD from further reducing personnel below current, Bottom Up Review levels.

7. Addition of Personnel to High Stress Units: Congressman DORNAN also authorized the SECDEF 7500 additional personnel to be placed in high stress areas such as AWACS, military police, and Patriot units.

8. Addition of National Technicians: Congressman DORNAN authorized 1400 additional military technicians for National Guard/Reserve units in order to improve their maintenance rates and overall combat readiness.

9. Increased Housing Allowance: Congressman DORNAN increased basic allowance for quarters [BAQ] by 5.2 percent greater than that requested by the administration in order to reduce out of pocket housing costs for members of the military.

10. Eliminated Disparity in COLAs for Military Retirees: Congressman DORNAN introduced a full committee amendment that would eliminate the disparity in payment of COLAs between Federal civilian and military retirees. COLAs for military retirees have been delayed an average of 8.5 months as compared to a delay of only 3 months for other Federal retirees. President Clinton attempted to address the problem in this budget but his proposal did not succeed. Congressman DORNAN then developed his amendment which provides $403 million to eliminate the disparity in 1996. The amendment passed during full committee markup.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SOLOMON) having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes, had come to no resolution thereon.

PAUSE FOR THE PLEDGE

(Mr. CARDIN asked and was given permission to address the House for 1 minute.)

Mr. CARDIN. Mr. Speaker, I take this time, and at the permission of the Speaker, to lead the House in the pledge of allegiance at this time of the day, and let me explain why, if I might.

Mr. Speaker, as you are well aware, today is Flag Day and this week is National Flag Week. Each year the National Flag Day Foundation, located in my district, participates in the Pause for the Pledge at Fort McHenry, the birthplace of the Star Spangle Banner at 7 o'clock in the evening on June 14th.

The National Flag Day Foundation encourages all Americans to join in the 7 o'clock Pause for the Pledge and this grassroots concept of national unity started in Baltimore in 1980. And I might point out that Presidents have joined in this pause.

Due to the voting of the House today, I am unable to be at Fort McHenry to participate in the ceremony. Therefore, I would request that the Members of the House join me and their fellow citizens in a Pause for the Pledge. If I could ask everyone to please rise and to face the flag.

PLEDGE OF ALLEGIANCE

The CHAIRMAN. Without objection, the gentleman from Maryland [Mr. CARDIN] will lead the House in the Pledge of Allegiance to the flag on this very special occasion.

There was no objection.

Mr. CARDIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW, THURSDAY, JUNE 15, 1995, DURING THE 5-MINUTE RULE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on Judiciary; Committee on Resources; Committee on Science; Committee on Small Business; Committee on Transportation and Infrastructure; Committee on Veterans Affairs; Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. VOLKMER. Reserving the right to object, Mr. Speaker. I do not plan to object. I just want to let the gentleman know that, yes, we do appreciate clearing this request with all the ranking members of the various committees and we appreciate it and look forward to working with the gentleman and the majority in the future.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

FRENCH NUCLEAR TESTS

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and

extend his remarks and include extraneous material.)

Mr. FALEOMAVAEGA. Mr. Speaker, here we go again. President Jacques Chirac of France has announced France will explode eight nuclear bombs in the South Pacific beginning this September.

Mr. Speaker, this is just what we need after 170 countries signed up to uphold the integrity of the Nuclear Non-Proliferation Treaty. France currently has the world's third largest stockpile of nuclear bombs and the fourth largest navy in the world, and after conducting almost 200 nuclear explosions in the atmosphere, and in the ocean, and under a South Pacific island atoll over the past 20 years—it is hard to believe that France's military establishment is still not sure if that nuclear trigger is working or not.

Mr. Speaker, give me a break. Why should we tell countries like India, Pakistan, Japan, North Korea, Iraq, and Iran not to get into the development of nuclear bombs when a major Western power like France does this without due consideration to the environment or the lives and welfare of the peoples of the South Pacific?

What madness. The height of hypocrisy. Mr. Speaker, I ask the good citizens and people of France—if you want nuclear tests to continue, do it in France, and don't bring this ugly monstor to the South Pacific.

Mr. Speaker, I include the following for the RECORD.

[From the Washington Post, June 14, 1995]

FRANCE SAYS IT WILL STAGE NUCLEAR TESTS

(By William Drozdiak)

PARIS, June 13.—President Jacques Chirac announced tonight that France will resume nuclear weapons testing in September and conduct eight tests in the South Pacific before next May so that it can sign a comprehensive test ban treaty by the end of next year.

Chirac told reporters on the eve of his first presidential trip abroad that his decision was crucial to ensure the reliability and security of the country's nuclear weaponry until France—which has the world's third-largest nuclear arsenal—develops laboratory simulation methods that would obviate future test blasts.

''I made this decision because I considered it necessary in the higher interest of our nation to authorize the end of this series of tests. This decision is, of course, irrevocable,'' he said.

U.S. government officials said they were disappointed by Chirac's decision and worried that it could erode confidence in the promise by all nuclear powers to work toward an early test ban. That pledge was an important factor in persuading more than 170 countries to embrace a permanent extension of the nuclear Non-Proliferation Treaty at a review conference two months ago.

President Clinton said in 1993, during a worldwide nuclear moratorium, that the United States planned no further nuclear tests, but he indicated he might reconsider if other nuclear powers resumed such blasts. A senior U.S. official said today, however, that France's announcement ''won't affect our own policy [and] will not lead us to resume nuclear testing.''

Only China has continued nuclear weapons testing in the past two years, drawing widespread international protests. U.S. officials said the French decision and its impact will be discussed when Chirac arrives in Washington Wednesday to meet with President Clinton before leaders of the Group of Seven industrialized democracies gather for a summit later this week in Halifax, Nova Scotia.

Chirac said a panel of military experts he consulted in making his decision had unanimously recommended that France complete a series of underground tests that was interrupted in April 1992 so that its independent nuclear deterrent force of nearly 500 strategic warheads will remain effective into the 21st century.

When President Francois Mitterrand halted nuclear testing in 1992, he said that France must set an example for the rest of the world in renouncing all such tests in the hope that other nuclear powers would sign a comprehensive test ban.

Mitterrand predicted that any of his possible successors as president would be inhibited from overturning his ban on nuclear tests by threat of angry protests at home and abroad. But Chirac tried tonight to shift the blame to Mitterrand, saying his decision to abort the testing program was premature because simulation techniques had not been perfected.

Seeking to thwart a potential outcry, Chirac said he had notified France's main allies, as well as Mitterrand, opposition leaders and the Australian and New Zealand governments. He insisted that the tests were harmless to the environment, and he invited ecologists to visit Mururoa Atoll in French Polynesia to monitor the explosions.

[Nevertheless, Australia and New Zealand angrily announced they would freeze defense ties with France over its decision, and Australian union leaders and politicians called for a boycott of French goods, the Reuter news agency reported. ''Australia deplores France's decision to resume nuclear testing in the South Pacific,'' Prime Minister Paul Keating said. ''What we are seeing is the arrogant action of a European colonial power. . . . They have yet to understand that as members of the Pacific community we expect something different,'' New Zealand Prime Minister Jim Bolger told parliament.

[Japan also protested, Reuter reported. ''The French decision seriously betrays the trust of non-nuclear states,'' Japanese Foreign Minister Yohei Kono told French Foreign Minister Herve de Charette in a telephone conversation.]

For months, Chirac has been under intense pressure from France's military establishment, largely dominated by his Gaullist party supporters, to ensure the country's future nuclear capability.

French defense experts said the military leadership had urged up to a dozen tests to verify the effectiveness of warhead stocks; to establish the effectiveness of a new warhead for the country's M–5 submarine-launched missile; to enhance computer-simulation plans; and to experiment with miniature warheads.

The experts said such tests would be necessary not only to check the status of the hardware but also to prepare for any change in strategy in the post-Cold War era. This could include a shift from the old threat of inflicting intolerable damage on a enemy through massive retaliation to a new French strategy of focusing on tactical battlefield weapons that could be used against specific targets.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

[Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mrs. SEASTRAND] is recognized for 5 minutes.

[Mrs. SEASTRAND addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

[Mr. MONTGOMERY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

[Mr. SKAGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CONCERNS REGARDING ANTITERRORISM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. BARR] is recognized for 5 minutes.

Mr. BARR. Mr. Speaker, for the last 3 days those of us who have the honor of serving on the Committee on the Judiciary have been engaged in some very

important, far-reaching legislation. What we have been considering, Mr. Speaker, is antiterrorism or counterterrorism legislation.

This legislation which has come before the Committee on the Judiciary is not something that arose simply because of what happened recently in Oklahoma, although it has taken on additional and rather urgent importance in light of what happened in Oklahoma.

It is however of concern to a number of us as conservatives and who were sent here to the House of Representatives as result of the election last year to take a very hard look at the power of the Federal Government to determine not only if there are circumstances under which the powers of the Federal Government may have gotten too broad, too large, and too extended so that we would be looking at methods to bring back in and rein back in the power of the Federal Government in those instances in which it has been too broadly construed or has been extended too far, but also to be very careful and jealous guardians of those authorities that currently belong to States and local communities and to take a very hard look, a very fair look, but a very hard look at those areas where the Federal Government is seeking to expand its authority.

The legislation that we have been considering in the Judiciary Committee raises some of these concerns that I would like to this evening just raise and alert the people of the United States of America to.

None of us favor terrorism, and certainly when we have legislation that is couched as counterterrorism or antiterrorism, certainly there is a predisposition, an inclination on all of our parts to say absolutely, we must pass whatever legislation is necessary in order to do everything within reason and within the bounds of our Constitution to prevent incidents such as what happened in Oklahoma recently from occurring, and to ensure that if it ever does occur, that our law enforcement officials and our prosecutors and our courts have full authority to investigate thoroughly, to apprehend, to prosecute, and then to punish to the greatest extent possible under our system of laws those that would perpetrate such acts on American citizens or indeed anybody within the geographic bounds of the United States of America.

The problem, Mr. Speaker, that we are facing and that I am personally facing in the committee with regard to this legislation, is that it seems to go beyond what the Government needs in order to really carry out its responsibility to protect American citizens against acts of terrorism and to prosecute those who do commit acts of terrorism. It goes beyond what is needed to simply what some of our law enforcement officials and some in our Government would like to see the Federal Government have.

It extends the reach, for example, Mr. Speaker, very broadly beyond the current definition of what is terrorism, and under the legislation that we are currently considering in the Committee on the Judiciary, for example, virtually any crime of violence committed anywhere in our country for whatever reason becomes a terrorist action.

Once under the legislation that is being considered an action becomes or falls within the definition of terrorism or terrorist activity or terrorist action, then a whole series of things occurs such as loosening of the standard on wiretap authority, loosening of the standard on the Federal Government's ability and law enforcement's ability to obtain certain types of records on citizens, and so on and so forth.

This is the concern, Mr. Chairman, and I think we need to be very, very careful and very jealous that in our understandable effort and our understandable zeal to protect our citizens against a recurrence of what happened in Oklahoma that we do not cross over the line and extend too much authority to the Government and that we do not inadvertently trample on some of our very cherished constitutional rights.

□ 1930

We are going to be continuing the markup of this legislation tomorrow. There will be further refinements to it, and then, of course, the full House will have full opportunity to look at this.

But I do have some concerns, Mr. Speaker, with this legislation, in that it does seem to go far beyond the current bounds of the reach of the Federal Government and really gets the Federal Government into a whole range of activities that, under standards of federalism, certainly as I and the citizens of the Seventh District understand them, say, ''Yes, we do want to have strong Federal law enforcement, but that does not mean we want the Federal Government involved in virtually every aspect of criminal activity that might take place anywhere in our country.''

Mr. Speaker, I appreciate having the opportunity to share some of these concerns, and we will hear more on this as we continue the deliberations in the Committee on the Judiciary and on the full floor.

TRIBUTE TO RAMSEY CLARK

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise because I was very privileged today to attend, I think, a very significant ceremony in which Ramsey Clark, the former Attorney General in the Kennedy and subsequent administrations, from Texas and our area, served, and I was visited by Maury Maverick, Jr., who then escorted me to the ceremony in the Gold Room today.

And I would like to place in the record the remarks that Maury Maverick made with respect to Ramsey Clark. For instance, he points out that once he was a corporal in the United States Marine Corps. Once he was the Attorney General of the United States. And I was here when he was named Attorney General and had a lot to do with working with him.

And Maury says he reminds him very much of Stephen Crane's Civil War novel, ''The Red Badge of Courage.''

In any event, I was privileged to have been at this reception earlier this day, and thanks to Maury Maverick, his father, Maury Maverick, Sr., the original Maury Maverick, was one of those that first recognized me, totally unknown, a young student emerging from what we call the west side of San Antonio, the Mexican-American section, which at that time was really, really split and divided, and it was thanks to their magnificent friendship that it aroused in me an interest in political or public work.

So that I am placing that at this point in the RECORD, the remarks that Mr. Maverick prepared honoring Ramsey Clark, as follows:

Regarding so-called anti-terrorist legislation, one must face that threat to liberty and constitutional due process with the courage of a Ramsey Clark.

If what we are about to have is a new McCarthy era then I know something about the terror of the old one. As a member of the Texas House of Representatives of the 1950s I was one of the two legislators who filibustered to death the Texas Un-American Activities Committee. Are we on the road to having such committees again?

A paralysis of fear swept America in the 1950s and it will happen again if judges, congressmen, and the President run out on the Bill of Rights.

The ultimate answer to terrorism is Jeffersonian liberty, three meals a day, and human dignity.

Democrats with the knowledge of history of Franklin Roosevelt and Republicans with a sense of justice of Potter Stewart must stand up to the emerging new McCarthyism.

The bullies are on the move, The courage of Ramsey Clark must be shown by lawyers and politicians if we are not to have a new McCarthy era.

A new McCarthy era will be a worse disgrace than the last one because it will mean we didn't learn anything.

My brother and sister lawyers, friends and fellow citizens, I give you that former corporal in the U.S. Marine Corps and former Attorney General of the United States: Ramsey Clark.

WELCOMING THE PRESIDENT TO THE BUDGET BALANCING ARENA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, last night President Clinton unveiled his second budget this year. The first budget actually increased deficit spending by $200 billion each year and grew our national debt from the current $4.9 trillion up to $7 trillion in 5 years.

This budget from last night aims to balance the Federal budget in 10 years. Well, we welcome the President to the arena, admitting that we should be balancing this budget. However, 10 years? This means that during the next 10 years, the Federal debt, which is now $5 trillion, will still be growing. It means that we hope that a decade from now when children who are now in the third grade, they will be graduating from high school, the budget will still not be balanced.

Remember, the President did not say the debt would be paid off. He said that if all goes well, we will stop adding to the debt a decade from now. That does not count what we are borrowing from social security and everything else.

Now, does not this all sound a little ludicrous? Do we really think that Congress will balance the budget 10 years from now, putting it off that long? We just cannot do it today?

There are some of us out there who remember the character Wimpy in the Popeye cartoons. Wimpy made the famous line, ''I will gladly pay you Tuesday for a hamburger today.'' Of course, everyone knew Wimpy did not intend to pay for that hamburger.

President Clinton is saying, ''We will not pay you back in 10 years, but we will stop getting an advance on those, if you will, hamburgers at that time.'' The President has said that it would be too painful to bring the budget into balance in less than 10 years.

Now, remember Thomas Jefferson, while President, introduced a plan to pay back the Federal debt over 16 years and then start paying off that debt and getting it done with. He thought it prudent not just to balance the budget, but to run up a surplus to pay off the debt and have a little extra in reserve.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Georgia.

Mr. KINGSTON. I want to ask about this because if the President is not reelected, that would mean that the budget that he is proposing will actually not be balanced until 9 years after he leaves office. Is that correct?

Mr. SMITH of Michigan. You mean, if everything worked out perfectly for the President and he stayed in the full 8 years that is allowed under law, he still would not have a balanced budget? That is what it means.

Mr. KINGSTON. Then at what level will the national debt be? Because that would be 9 more years of deficit spending on top of a $4.8 trillion debt. Did he project what the debt would be?

Mr. SMITH of Michigan. He did not project. But if the CBO projection, and you really cannot tell whether what he said was a political statement or whether he is serious about balancing the budget, we will not know that until we see the details. But we are looking at a growing budget, and if it is consistent with the spending that he suggested when he gave us his budget in February, that is at least $200 billion a year, times 10, times 10 years. We are looking at a budget that cannot possibly be paid back by our kids and our grandkids.

It is going to ruin their chances for a standard of living.

I think it is good to mention; he said it is going to be too painful to pay back this debt in just 7 years, but the pain we are talking about is political pain, admitting reality. So we have a problem here. We are spending money we do not have now. We are asking our kids and our grandkids to pick up that bill years from now, and you just cannot do it.

I think the President has got to come to this table, and if he expects to have any credibility in terms of input in the best way possible to cut spending and balance the budget, then he has got to come to the table seriously.

Mr. KINGSTON. If the gentleman will yield further, one thing that is interesting, I usually speak to two or three schools each month. I talk a lot to the high school juniors and seniors, and I always remind them, when they graduate and get in the work world, their percentage of income that goes to taxes is going to be far higher than their teachers, parents, grandparents, or any other generation of Americans that has ever entered the workplace.

We talked about postponing pain. Tell that to an 18- or 19-year-old who is about to get his or her first job. They will tell you, ''I cannot believe how much of my paycheck Uncle Sam gets,'' and, as you know, the third largest expenditure of the national budget now is interest on the debt. Think how much greater it will be if we wait 10 years.

Mr. SMITH of Michigan. The projection is that these kids today, if we continue to spend like we have been spending, are going to have to pay taxes that amount to over $180,000 during their lifetime just to pay their share of the interest on the national debt.

You know, this little card is what Congressmen use to vote with. It is sort of like a credit card, but really the Federal Government, these 435 Members of Congress here, do not have money to give away. They have got to take money away from the citizens all across this country, taxpayers, and we are giving away taxpayers' money. The way you hear some people talk, you would think it is government's money that they are giving away. We are taking away this money from individuals by increasing taxes.

I would invite the President to come seriously to the negotiating table, admit that it is right to balance the budget, come legitimately and say, ''Yes, I agree, we should be balancing in 5 years, 7 if necessary, and let us get on with making a better future for our kids.''

COMMEMORATING FLAG DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, the gentleman from Michigan may want to complete that thought. I do not want to cut him off. It sounds like he got where he was going with that.

Mr. SMITH of Michigan. If the gentleman will yield, no, I want to talk about some significance and open the discussion today, Flag Day, and the American flag.

I had a brother that was a jet pilot, killed in 1957. I am old enough that I went through World War II, and the American flag is more than a symbol. It is what many Americans really out there on the front lines fought for and died for.

So I look forward to the gentleman's comments on Flag Day.

Mr. KINGSTON. It is interesting, I went to the Savannah Scottish Rite Flag Day ceremony this week, in Savannah, and we talked about the Bennington flag and the Grand Union flag that preceded our first national flag on June 14, 1777.

That flag has meant so much to different people, but our favorite flag story is the one about Francis Scott Key.

One of the things we always know is he was on a British ship, but we do not know what he was doing there. He was not a captive. His friend was a captive. He went to the British ship voluntarily on behalf of his friend and petitioned the officer in charge to release his friend, who was a doctor, for humanitarian purposes. He said, ''This gentleman is a doctor. He needs to come and tend to the sick and the wounded just as your British doctors do.'' And the British officer in charge was so taken back by his bravery in risking his own life in coming out there, and, you see, there were actually two of them totally. He said, ''I will tell you what, I will let all three of you guys go in the morning. We are attacking Fort McHenry through the night.'' They were, frankly, very confident they could win and capture Fort McHenry.

What happened, of course, is Francis Scott Key and his friends were sitting on the ship, bow of the ship, standing there captives, watching through the night, trying to figure out what would happen, and then at the dawn's early light they were able to determine, of course, by the sign, the American flag still standing or still flying, that the British were, in fact, not successful in taking Fort McHenry.

He started writing the poem, which became the national anthem, on his way back, because the British officer kept his word, let him go, starting writing the poem, finished it later. It took about 130 years for Congress to declare that the national anthem. You compare that to how quickly the Senate works these days, and we would still probably not have a national anthem.

You know, the American flag does two things. It is a warm and fuzzy emotion when you see it. You know, you

think about home. You think about mom and dad, your parents, your family. You think about goodness.

But then aside from that emotion, you think idealistically, like your brother. You think about the sacrifices. You think about the bravery and the freedom that men and women, generation after generation, have put forth to defend this great land of ours, and it is proper the U.S. Congress would take a moment today and say the Pledge of Allegiance one more time towards the end of the afternoon just so we can reaffirm that, and it is also proper that we recognize Flag Day on a bipartisan basis, because every now than and then we do get out of focus. We do start pounding one body or one party or one philosophy. We should always come back to that flag. That symbol of freedom is why we are here.

Mr. SMITH of Michigan. I think your point is so important and so good.

We do have the greatest Nation on Earth, and we get in our little squabbles, and we look for ways to try to improve it. Both sides of the aisle, Republicans and Democrats, feel very strongly that they want to make the best future possible for the kids. Sometimes we have a difference in philosophy on how to get there, but we have a great country, and the flag of the United States of America is something we all feel very closely to.

Ms. JACKSON-LEE. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. I appreciate the gentleman yielding.

I thank you so very much for the entree to make this bipartisan salute, and because it is Flag Day, I think it is more than appropriate to simply say how special it is, as many of our young children begin kindergarten, sometimes earlier, they learn for the first time, ''I pledge allegiance to the flag of the United States of America,'' and how special it is for them to come and share with their family members that they know the words.

So it is appropriate that we make this a bipartisan salute.

I thank the gentleman for raising it. I think it is most appropriate that we do so in the U.S. Congress because the American people look to us to lead and to emphasize the high ground. So I congratulate you, but, more importantly, I congratulate the American people and salute the flag of United States of America.

Mr. KINGSTON. It is fitting we do that. I am a native of Texas, and as you know, Texas has a very rich history in that Texas was one of the States that was actually a country at one time, and one of the great chapters of Texas history was the Battle of the Alamo and the great cry for the men who were being surrounded by Santa Ana's troops at the Alamo was for Americans to come rescue them, which, when Sam Houston's folks did come, many, many American soldiers had volunteered for that cause of Texas freedom and sovereignty.

There, again, the good old American flag pulls through.

□ 1945

Mr. Speaker, it always has represented the hope, the glory, the promise and the freedom.

HOW AMERICA WILL WIN

The SPEAKER pro tempore [Mr. FOX of Pennsylvania.] Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I appreciate the opportunity to share in the salute to our flag, and my remarks now, I think, are really in line with what America is all about.

I looked at a startling figure this afternoon, and that was to determine that more than 14 million families in America make less than $10,000.

Many of us, of course, have risen to speak on behalf of business development and enhanced opportunities for our corporations so that jobs can be created, but simply think about someone who is making only $10,000, a hard-working family, some of whom have children and trying to survive in this country.

I would ask the question to my Republican colleagues, ''Why are we here?'' We certainly have not come here to be whiners and to complain about who has the better offering when it comes to budget and deficit reduction. I think the president of the United States did what was his responsibility. I reviewed the budgets that were on the table, including his previous submitted budget. He recognized there were 14 million citizens who were making under $10,000 and were suffering in this economy, and he began to draft a budget that responds to the bipartisan approach that is needed.

First of all, I think it should be noted that the deficit has gone down in the last year and 2 years. Second, I think it is well to recognize that the budget that was passed by this House, and I disagree with, was a very hard budget. It was a budget that was extreme, and the President now offers us an opportunity for reasoned and bipartisan debate, one we focus on education. It gives people the opportunity in the 21st century.

Second, I think it gives us a longer period of time to in a rational way stem the tide of a possible recession, to extend budget deficit reduction and a balanced budget to a 10-year mark. It preserves certain funding for certain programs that create jobs, and likewise it does not give a tax cut to unwilling Americans, meaning those who have said ''I don't need a tax cut; I'm making over $200,000 a year,'' but it does recognize the need to respond to working men and women and provide them wit a tax break.

It is important, now that we have several budgets on the table, that we be concerned about Medicare and we do not make the deep and dividing cuts that would damage some of the needs of seniors who have to make determinations to either buy prescription drugs or to eat. The President looks at this in a manner that is focused, is not mean spirited and answers the needs of all Americans.

I hope some day we will face a country that has all of our American citizens working at their fullest extent, that sees our 14 million citizens, families that are making under $10,000 make some than that, that they are able to enjoy life, vacation, have a home, send their children to college. But we will not get to that point unless we recognize that a budget must respond to the needs of all of us.

Education is the key. It breaks us out of the shackles of our under-opportunity to more opportunity.

So, Mr. Speaker, I think it is important not to be whiners. I think it is important to come and do the job that we have been asked to do, review the President's budget, review the budget that was passed out of the House, the Senate budget, avoid a crisis in October so that this Government is not shut down, begin to respond to the needs of those who asked us to open the doors of educational opportunity in elementary, secondary and higher education, not focus on the privileged few with major tax breaks and tax cuts, but focus on deficit reduction in a reasoned manner, and do not disrespect all of the good work that our seniors have done by making them make the choices between prescription drugs and simply eating, and do a reasoned reform of health care so that our seniors can be protected with a reasoned Medicare program, and those who are indigent, with a reasoned Medicaid program, and begin this debate not from a point of who gets the political brownie points, but in fact how will America win.

I think America wins when we sit down and discuss a budget that is fair and even-handed. I think the President has offered us an opportunity for that reasoned debate, and, Mr. Speaker, I would hope, as many of my colleagues, Republicans, have noted, and many Democrats have noted, that we will take the opportunity and the challenge and will work on behalf of the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Texas (at the request of Mr. ARMEY), for today, on account of attending a funeral.

Mrs. MYRICK (at the request of Mr. GEPHARDT), for today until 3:15 p.m., on account of family illness.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. VOLKMER) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. BARR) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. BARR, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks:)

Mr. GONZALEZ, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DORNAN, during debate on H.R. 1530 in the Committee of the Whole today.

(The following Members (at the request of Mr. VOLKMER) and to include extraneous matter:)

Mr. HAMILTON.

Mr. COYNE.

Mr. KENNEDY of Rhode Island in two instances.

Mr. KILDEE in two instances.

Mr. TEJEDA.

Mr. ACKERMAN.

Mr. MONTGOMERY.

Mrs. MINK of Hawaii.

Mr. JACOBS.

Mr. JOHNSON of South Dakota.

Mr. LUTHER.

Mr. RAHALL.

Mr. ANDREWS.

(The following Members (at the request of Ms. JACKSON-LEE) and to include extraneous matter:)

Mr. RICHARDSON.

Mr. WILLIAMS.

Mr. BARCIA.

Mr. FLAKE.

Mr. SOLOMON.

Mr. GILMAN.

Mr. OWENS.

(The following Members (at the request of Mr. BARR) and to include extraneous matter:)

Mrs. SEASTRAND in two instances.

Mr. SMITH of Michigan.

Mr. BAKER of California.

Mr. DAVIS in two instances.

Mr. WALSH.

Mr. LEWIS of California.

Mr. BALLENGER.

Mr. MANZULLO.

Mr. KIM.

Mr. LIGHTFOOT.

Mr. HUNTER.

Mr. ROTH.

Mr. MARTINI.

Mr. COBLE.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 349. An act to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program.

S. 441. An act to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

ADJOURNMENT

Ms. JACKSON-LEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Thursday, June 15, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1033. A letter from the Coordinator for Drug Enforcement Policy and Support, Department of Defense, transmitting the Department's report on the status of random drug testing of members of the Armed Forces, pursuant to Public Law 103–337, section 1013 (108 Stat. 2837); to the Committee on National Security.

1034. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that the United States is making a concerted effort to ensure that U.S. allies are increasing their levels of support for activities that will aid in accomplishing the objectives of the cooperative threat reduction programs, pursuant to Public Law 103–337, section 1205(d) (108 Stat. 2883); to the Committee on International Relations.

1035. A letter from the Chairman, Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1036. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report of the inspector general for the period October 1, 1994, through March 31, 1995, and the semiannual management report on actions taken in response to audit recommendations, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. COMBEST: Permanent Select Committee on Intelligence. H.R. 1655. A bill to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with an amendment; referred to the Committee on National Security for a period ending not later than June 23, 1995, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the committee pursuant to clause 1(k), rule X. (Rept. 104–138, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CANADY (for himself, Mrs. VUCANOVICH, Mr. HALL of Ohio, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. GOODLATTE, Mr. SMITH of Texas, Mrs. SMITH of Washington, Mr. WELDON of Florida, Mr. SMITH of New Jersey, Mr. CHRISTENSEN, Mr. DORNAN, Mr. HILLEARY, Mr. BUNNING of Kentucky, Mr. CHABOT, Mr. EMERSON, Mr. HAYWORTH, Mr. LARGENT, Mr. WALSH, Mr. KNOLLENBERG, Mr. TALENT, Mr. WATTS of Oklahoma, Mrs. SEASTRAND, Mr. BARTON of Texas, Mr. BRYANT of Tennessee, Mr. YOUNG of Alaska, Mr. LEWIS of Kentucky, Mr. STEARNS and Mr. MCINTOSH):

H.R. 1833. A bill to amend title 18, United States Code, to ban partial-birth abortions; to the Committee on the Judiciary.

By Mr. BALLENGER (for himself, Mr. BOEHNER, Mr. GOODLING, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BONILLA, Mr. BUNNING of Kentucky, Mr. BURR, Mr. CALVERT, Mr. CANADY, Mr. CASTLE, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. COBLE, Mr. COOLEY, Mr. CREMEANS, Mr. CUNNINGHAM, Mr. DELAY, Mr. DOOLITTLE, Mr. EMERSON, Mr. FAWELL, Mr. FOLEY, Mr. FORBES, Mr. FUNDERBURK, Mr. GRAHAM, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HEFLEY, Mr. HEINEMAN, Mr. HERGER, Mr. HOEKSTRA, Mr. HUTCHINSON, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON, Mr. JONES, Mrs. KELLY, Mr. KLUG, Mr. KNOLLENBERG, Mr. LINDER, Mr. MANZULLO, Mr. MCKEON, Mr. MCINTOSH, Mrs. MEYERS of Kansas, Mr. MICA, Mrs. MYRICK, Mr. NORWOOD, Mr. PAXON, Mr. PETRI, Ms. PRYCE, Mr. RIGGS, Mr. SALMON, Mr. SCARBOROUGH, Mr. SOUDER, Mr. STENHOLM, Mr. STUMP, Mr. TALENT, Mr. TAUZIN, Mr. TIAHRT, Mr. WALKER, Mr. WAMP, Mr. WELDON of Florida, Mr. WICKER, and Mr. ZELIFF):

H.R. 1834. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Economic and Educational Opportunities.

By Mr. DEFAZIO (for himself, Ms. FURSE, and Mr. WYDEN):

H.R. 1835. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Oregon, and for other purposes; to the Committee on Commerce.

By Mr. FORBES:

H.R. 1836. A bill to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, NY, for inclusion in the Amagansett National Wildlife Refuge; to the Committee on Resources.

By Mr. FRANKS of New Jersey (for himself and Mr. MEEHAN):

H.R. 1837. A bill to establish a temporary commission to recommend reforms in the laws relating to elections for Federal office;

to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN:

H.R. 1838. A bill to provide for an exchange of lands with the Water Conservancy District of Washington County, UT; to the Committee on Resources.

By Mr. HOEKSTRA (for himself, Mr. NORWOOD, Mr. MCKEON, Mr. HUTCHINSON, Mr. WELDON of Florida, Mr. CUNNINGHAM, Mr. BOEHNER, Mr. SOUDER, Mr. KNOLLENBERG, Mr. PETRI, Mr. GUNDERSON, and Mr. FUNDERBURK):

H.R. 1839. A bill to require executive agencies to identify which of its regulations impose requirements which conflict with the requirements of other executive agencies and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH:

H.R. 1840. A bill to ensure equal opportunity in employment, education, and contracting; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of South Dakota (for himself and Mr. MINGE):

H.R. 1841. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; to the Committee on Resources.

By Mr. MEEHAN (for himself and Mr. FRANKS of New Jersey):

H.R. 1842. A bill to ban the utilization of Federal funds by a State to lure jobs and businesses from another State; to the Committee on Government Reform and Oversight.

By Ms. NORTON, by request (for herself and Mr. DAVIS):

H.R. 1843. A bill to permit a designated authority to borrow funds for the development and construction of a sports arena in the District of Columbia, to permit the District of Columbia to pledge certain revenues as security for the borrowing of such funds, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. OLVER:

H.R. 1844. A bill to contribute to the competitiveness of the United States by enhancing the manufacturing technology programs of the Department of Commerce; to the Committee on Science.

By Mr. OWENS:

H.R. 1845. A bill to establish the Professional Boxing Corporation, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RICHARDSON (for himself, Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Mr. BEILENSON, Mr. BRYANT of Texas, Mr. COLEMAN, Mr. DEFAZIO, Mr. FARR, Mr. FILNER, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HINCHEY, Mr. KENNEDY of Massachusetts, Mr. KILDEE, Mr. LEWIS of Georgia, Mrs. MEEK of Florida, Mr. MORAN, Mr. NADLER, Mr. OLVER, Mr. PASTOR, Mr. PORTER, Mrs. SCHROEDER, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. STUDDS, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Mr. VENTO, Mr. WAXMAN, Mr. YATES, and Mr. EVANS):

H.R. 1846. A bill to establish the Yellowstone Headwaters National Recreation Area within the Gallatin and Custer National Forests in the State of Montana, and for other purposes; to the Committee on Resources.

By Mrs. SCHROEDER:

H.R. 1847. A bill to authorize appropriations to develop technologies that can be used to combat terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. SHAYS (for himself and Mr. PARKER):

H.R. 1848. A bill to amend certain provisions of title 5, United States Code, relating to the age and service requirements for entitlement to an immediate annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STOCKMAN:

H.R. 1849. A bill to promote the return of human rights to the People's Republic of China; to the Committee on Ways and Means, and in addition to the Committees on International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 1850. A bill to improve Federal enforcement against health care fraud and abuse; to the Committee on Government Reform and Oversight.

By Mr. MURTHA:

H.J. Res. 94. Joint Resolution proposing an amendment to the Constitution of the United States relating to school prayer; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 75. Concurrent resolution expressing the sense of the Congress that Social Security should be maintained and protected; to the Committee on Ways and Means.

By Mr. SKAGGS (for himself and Mr.. KOLBE):

H. Con. Res. 76. Concurrent resolution expressing respect and affection for the flag of the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 60: Mr. HORN, Mr. YOUNG of Alaska, and Mr. PARKER.

H.R. 127: Mr. WOLF, Mr. SCHIFF, and Mr. CLEMENT.

H.R. 201: Mr. PARKER and Mr. LIPINSKI.

H.R. 248: Mr. SMITH of New Jersey and Mr. FOLEY.

H.R. 263: Mr. MINETA.

H.R. 264: Mr. MINETA.

H.R. 359: Mr. BAKER of Louisiana and Mr. FROST.

H.R. 408: Mr. ANDREWS.

H.R. 540: Mr. SABO, Mrs. MALONEY, Mr. TALENT, and Mr. SCHUMER.

H.R. 616: Mrs. CLAYTON, Miss COLLINS of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Mr. CLAY, Mr. MARTINEZ, Mr. MFUME, and Mr. HASTINGS of Florida.

H.R. 661: Mr. ENGLISH of Pennsylvania.

H.R. 733: Mr. HERGER, Mr. ABERCROMBIE, and Mr. BURTON of Indiana.

H.R. 734: Mr. PAYNE of Virginia, Mr. CRAPO.

H.R. 752: Mr. ABERCROMBIE, Mr. BRYANT of Texas, Mr. CRAPO, Mr. KOLBE, Mr. LUCAS, Mrs. MEYERS of Kansas, Mr. MONTGOMERY, Mr. PACKARD, Mr. PASTOR, Mr. SCARBOROUGH, Mr. STEARNS, Mrs. SMITH of Washington, Mr. WATTS of Oklahoma, and Mr. WELDON of Florida.

H.R. 757: Mr. WARD.

H.R. 763. Mr. CHAPMAN.

H.R. 789: Mr. STOCKMAN and Mr. STEARNS.

H.R. 863: Mr. LAFALCE.

H.R. 868: Mr. DEUTSCH and Mr. HOLDEN.

H.R. 1046: Mr. SERRANO and Ms. LOFGREN.

H.R. 1127; Mr. BREWSTER.

H.R. 1201: Mr. KLECZKA.

H.R. 1229: Miss COLLINS of Michigan.

H.R. 1264: Mr. HILLIARD.

H.R. 1298: Mr. PACKARD.

H.R. 1314: Mr. NEAL of Massachusetts, Mr. JACOBS, and Mr. MCCRERY.

H.R. 1352: Mr. WALKER, Mr. HASTERT, Ms. DUNN of Washington, Mr. LIGHTFOOT, Mr. INGLIS of South Carolina, Mr. STUMP, Mr. CAMP, Mr. WATTS of Oklahoma, Mr. FARR, Mr. LAUGHLIN, Mr. BONO, and Mr. PETERSON of Minnesota.

H.R. 1386: Mr. ROGERS, Mr. JACOBS, Mr. CAMP, Mr. LIVINGSTON, and Mr. BENTSEN.

H.R. 1411: Mr. MASCARA and Mr. WYNN.

H.R. 1412: Mr. MASCARA and Mr. WYNN.

H.R. 1463: Mr. CLINGER.

H.R. 1464: Mrs. CUBIN and Mr. OWENS.

H.R. 1507: Mr. HASTINGS of Florida, Mr. SABO, Mr. MILLER of California, Ms. JACKSON-LEE, and Mr. WATT of North Carolina.

H.R. 1514: Mr. PICKETT, Mr. PETRI, Mr. WHITFIELD, Mr. WARD, Mr. STUPAK, and Mr. FRANKS of Connecticut.

H.R. 1521: Mr. SERRANO, Mr. COLEMAN, Ms. DELAURO, Mr. TOWNS, and Mr. WYNN.

H.R. 1539: Mr. VENTO and Mr. MARKEY.

H.R. 1576: Mr. ENSIGN.

H.R. 1578: Mr. FILNER and Mr. REYNOLDS.

H.R. 1594: Mr. SAM JOHNSON and Mr. DUNCAN.

H.R. 1610: Mr. SHAYS and Mr. HILLIARD.

H.R. 1627: Mr. THORNTON, Mr. HEFNER, Mr. THOMAS, Mr. BROWNBACK, Mr. ROGERS, Mr. HEINEMAN, Mr. DORNAN, Mr. WATTS of Oklahoma, Mr. LINDER, Mr. GOODLING, Mr. ROHRABACHER, Mr. CRANE, and Mr. FORD.

H.R. 1713: Mr. KOLBE and Mr. SALMON.

H.R. 1716: Mr. SMITH of Michigan, Mr. SMITH of Texas, Mr. HASTINGS of Washington, Mrs. MEYERS of Kansas, Mr. RADANOVICH, Mr. FUNDERBURK, Mr. MILLER of Florida, and Mr. DORNAN.

H.R. 1735: Mrs. THURMAN.

H.R. 1744: Mr. BENTSEN, Mr. MOORHEAD, and Mr. BARTLETT of Maryland.

H.R. 1756: Ms. PRYCE, Mr. POMBO, Mr. HOSTETTLER, Mr. PACKARD, Mr. ROYCE, and Mr. HANCOCK.

H.R. 1768: Mr. INGLIS of South Carolina.

H.R. 1791: Mrs. THURMAN.

H. Con. Res. 7: Mr. MINETA.

H. Res. 118: Mr. YATES, TORKILDSEN, and Mr. SERRANO.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1817

OFFERED BY: MR. BROWDER

AMENDMENT NO. 1: Page 2, line 12, strike ''$625,608,000'' and insert ''$611,608,000''.